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October 13, 2010

Cindy Coe, Regional Administrator
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Occupational Safety and Health Administration
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Dear Ms. Coe:

We have reviewed the Enhanced Federal Annual Monitoring and Evaluation (FAME) Report reflecting state activity during FY 2009. Consistent with the findings in previous monitoring reports, the monitoring process has confirmed that North Carolina has an effective State Plan that is responsive to the needs of the working population in the State. The positive working relationship that we have developed over the years with federal OSHA's Regional and Area Office has helped us to improve our State Plan including addressing any issues that might be discovered during the monitoring process. However, as you know, program evaluation and improvement are not a once-a-year process in North Carolina. Our office communicates regularly with the Area Director and meets on a quarterly basis. We have always openly shared our activities and kept OSHA apprised of pertinent issues. North Carolina's annual evaluations have not included any recommendations from OSHA since we attained final approval on December 10, 1996. This fact was acknowledged in a draft of the FY 2009 FAME Report but was inexplicably omitted in the final report that we received. We are always willing to listen and take appropriate actions that we feel will enhance state plan performance.

North Carolina's program success is well documented and specifically defined in terms of the achievement of specific outcome goals and high activity levels within a framework of close federal OSHA oversight. The state's commitment to the state plan concept has been the best approach for North Carolina in terms of providing adequate program resources and responding to state-specific safety and health needs. We are disappointed that the recent audit process did not acknowledge the overall effectiveness of our program but rather seemed to define our program in terms of the few "problems" identified in the FAME Report's Executive Summary.

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Nevertheless, it is most gratifying that federal OSHA stakeholder surveys confirmed that “stakeholders voiced confidence in OSHNC’s ability to perform its occupational safety and health mandated activities” and that the State “operated an effective safety and health program.” This stakeholder confidence is confirmed by the fact that the State only received two Complaints About State Program Administration (CASPA) in FY 2009 and only one in FY 2010. In the last ten years the State is averaging less than two CASPAs per year. This is an especially notable accomplishment in consideration of over 5,000 inspections conducted per year and the fact that the process to initiate a CASPA investigation by federal OSHA is an easy one.

The specific recommendations included in the report are divided between items related to OSH inspection activity and the discrimination investigation process. While these recommendations may provide an opportunity for program improvement, we do not feel that any of the items noted affect overall program effectiveness. Most of the OSH inspection related items documented in the audit report have already been addressed and corrective action has been shared with the Area Director, as documented in the FAME Report.

The previously submitted FY 2009 State OSHA Annual Report (SOAR), an appendix to the Enhanced FAME, was intended to provide a state perspective on the status of the North Carolina State Plan. For that reason, this response will only address the specific recommendations included in the Enhanced FAME report. State activity and performance outcome are also documented in the FY 2009 State and Federal Comparisons of Program Statistics (copy enclosed). In the past, this document had been designed to document state activity and progress toward achieving specific outcome goals. In response to current monitoring emphasis, the current document includes state and federal statistical comparisons.

The following is the state’s response to the specific federal OSHA recommendations.

Recommendation 1: North Carolina should revise their records retention policy with respect to OSHNC inspection case file documentation.

This recommendation for the most part relates to the retention of photos associated with closed non-fatalities/catastrophes and closed non-high profile case files. As an earlier draft of the federal audit acknowledged, certain photos are purged due to the expense of processing and retaining this information. This expense is incurred when the files are converted to electronic format and when disclosure requests are made. The fact that all photos are maintained for fatalities, catastrophes, and high profile investigations seems to be a good balance between maintaining case file information and reducing program costs. It is not an exaggeration to emphasize that the State

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needs to continuously look at ways to reduce program costs without significantly affecting the program, and this is one area that we have identified to realize cost savings.

It is also not apparent, as described in the audit; how purging the photos in closed cases could have any substantial impact on “the state’s ability to conduct a complete review of a company’s history and of the documentation used to support citations.” A previous citation for a violation of a specific standard is used to serve as a basis for a subsequent repeat citation, and IBs with adequate documentation are maintained in the case files to support citations. Plus, for all case files, photos are maintained when they document hazard abatement. Notwithstanding the state’s current retention policy, we will work with the Area Director when our retention policy is reviewed in the future to consider a policy that meets our competing needs.

Recommendation 2: North Carolina should assure that written responses to complainants following investigation of their complaints include clear and informative responses to their allegations.

The North Carolina Field Operations Manual (FOM) requires that each complainant be provided with the results of a complaint investigation. Federal OSHA’s case file review confirmed that, after the completion of an inspection, “the response letters provided clear and thorough information to the complainants.”

This complaint-related recommendation pertained to the investigation of a single nonformal complaint. The complaint was received at a time when the State had discontinued the practice of providing a copy of the employer’s specific response to the complainant, in consideration of the state’s disclosure laws. The OSHNC Division has since received legal clearance to provide a copy of the employer’s specific response to the complainant. This action gives the complainant, if necessary; the opportunity to dispute the specific corrective action indicated by the employer and could result in an on-site inspection.

A change to Chapter IX of the state’s FOM that addresses this recommendation was completed and submitted as a State Plan Change on May 7, 2010. This action was acknowledged as satisfactory in the FAME Report. The FOM change makes it clear that, for both formal and non-formal complaints, the complainant will be informed in writing of the investigation results and in the case of a nonformal complaint also receive a copy of the original complaint response letter provided by the employer.

Recommendation 3: North Carolina should revise the letter sent to the next of kin at the close of their investigation to improve its clarity and include a description of the findings.

As the FAME Report indicated, “North Carolina has a longstanding procedure for communication with family members of deceased workers.” The State adopted the concept of a next-of-kin liaison when it was originally initiated by Federal OSHA in 1999 and has maintained this function even during periods of time when this activity did not have as high of a priority at the federal level. Ron Hayes, founder of Families In Grief Hold Together (FIGHT), who has instructed federal OSHA on matters relating to next- of-kin, recognized North Carolina’s next-of- kin program as one of the best in the country in testimony before Congress.

This specific recommendation related to one form letter used by the State. Even though we had never received a concern from a next-of- kin about this letter, we revised the letter to improve its clarity. At the same time, North Carolina reviewed all next-of-kin letters and revisions were made as appropriate. This included adding a description of the findings relating to the accident cause. These revised letters are similar to the letters used by federal OSHA and include an informational sheet relating to the inspection process. The revised letters were shared with Federal OSHA on March 19, 2010.

Recommendation 4: North Carolina should assure that each case file includes documentation of the company’s injury and illness experiences, safety and health programs, and a description of the processes inspected.

North Carolina’s FOM is consistent with federal policy requiring that the Compliance Safety or Health Officer (CSHO) review three years of employer’s injury and illness records. Of the 11 cases identified by the federal audit team as not including documentation of injury and illness records, five cases did not include injury and illness data because the employer was either exempt from maintaining injury or illness records because of their size or the data had been entered in to the federal NCR system but a hard copy was not included in the case file.

Of the six remaining cases, two were employers with no recordable injuries or illnesses but the information was not documented in the file or NCR (this was confirmed by the CSHO), and in three other cases it was also confirmed that the records had been reviewed by the inspecting CSHO but the data had also not been recorded. The remaining case involved a former employee whom we were unable to contact to determine if injury and illness data had been reviewed per our procedures. However, the employee was a senior CSHO and was aware of FOM requirements of reviewing and recording 300 log data. The delinquent six cases in which injury and illness data was not recorded represents only 4.3% of the 138 reviewed case files. The

FAME Report acknowledged that only “a small number of case files did not include injury or illness data from the OSHA 300 logs” and in fact it was confirmed by the audit team that in over 95% of the cases reviewed that injury and illness data was reviewed and documented by the CSHO.

Our goal is to ensure that injury and illness data is reviewed and recorded during each compliance inspection as required by our established procedures and that our staff follow our established procedures 100% of the time. We will continue to work toward this goal. All CSHOs have been through additional technical writing training this past year and have also been reminded of the importance of documenting 300 log data in other group training sessions and during individual coaching sessions. Supervisors will continue to place special emphasis on case file review that includes oversight of injury and illness data review and recording.

The audit report did not indicate how many of the 138 case files reviewed did not include safety and health program information or a description of the process inspected. State procedures require that safety and health program information be included in the case file. Safety and health program evaluation is an important part of the inspection process and is required for determining good faith credit when any penalties are issued. A description of the inspection process is also a required part of the case file information. In the recently completed technical writing training, the requirements for safety and health program evaluation and a description of the inspection process in the case file were highlighted.

Recommendation 5: North Carolina should review and revise its internal violation classification guidance and assure that the resultant violation classifications are consistent with federal procedures and practice.

As documented revisions to FOM Chapters indicate, North Carolina routinely reviews and revises its enforcement policies and procedures. In fact, procedure review in North Carolina occurs on a much more frequent basis than that at the Federal OSHA level. North Carolina recently had the opportunity to review its procedures for violation classification when reviewing the recently reinstated federal OSHA FOM. It should also be noted that North Carolina maintained an updated FOM, during the long period of time that OSHA set aside its FOM. As the FAME Report indicated, “the state’s procedures for determining the classification of violations are the same as those of federal OSHA.” North Carolina’s procedures for assessing severity are also identical to federal OSHA procedures. We have no plans to revise our violation classification procedures or severity assessment procedures at this time. However, North

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Carolina is an outcome-driven organization so procedures are always subject to change if conditions dictate.

In addition to the similar procedures for determining classification of violation, the State also provides specific guidance for determining violation classifications for fall and electrical hazards which is not provided to federal CSHOs. Supervisors routinely review case files to assure proper classification of violations, violations in high profile cases are reviewed by senior management and attorneys; the State also routinely conducts case files audits, and training is provided in violation classification. With all of these preventive actions in place, the State feels certain that the vast majority of violations are classified correctly. This assumption would not be contrary to the federal OSHA audit findings that did not quantify the number of possibly misclassified violations but simply stated "that some violations that would most likely have been classified as serious by federal OSHA were classified as non-serious by the state." We would appreciate learning of any techniques that federal OSHA uses to assure consistency in violation classification throughout the country and being provided the opportunity to review federal OSHA case files that depict properly classified violations. We are also willing to discuss specific examples of violations that federal case file review determines are misclassified.

From a program effectiveness perspective, it should be noted that violations are required to be abated whether they are classified as serious or non-serious. This item that was classified as a problem in the executive summary of the FAME would not result in employee "serious injuries or fatalities" because of the violation abatement requirement for both serious and non-serious violations. Nevertheless, we are motivated to classify violations and determine severity according to policies and procedures contained in our FOM and consistent with federal OSHA's policies and procedures.

It should also be noted that, based on a review of statistics included on the FY 2009 State Indicator Report (SIR), the State had fewer violations reclassified both during the informal conference and contestment review stages than federal OSHA. In fact, federal OSHA had twice as many violations reclassified at the informal conference level than the State. The statistical data seems to indicate that a disagreement about the classification of violations is not limited to the State and the audit team. This might also suggest that there may be a more significant violation classification "problem" at the federal level.

Recommendation 6: North Carolina should monitor the results of its recently revised penalty calculation procedures and its penalty reduction policies to assure that penalties are appropriate for the violations cited. The State should also review its practices on the citing of willful violations and conducting follow-up inspections.

In October 15, 2009, the State submitted a state plan change to reflect new procedures for determining probability during penalty assessment. The intent of the change was to establish procedures that would result in a more consistent penalty assessment process. This policy change went into effect on October 1, 2009. We feel that the state's current penalty policies are appropriate for the violations cited. The monitoring of penalty activity through the third quarter of FY 2010 as documented in the State Activity Mandated Measures (SAMM) Report indicates an average initial penalty per serious violation of \$1,173 for North Carolina as compared to a three-year national data figure of \$1,337. This represents a 63% penalty increase for the State over the \$742 average in FY 2009 and an amount that is comparable to the federal OSHA three-year average. Plus, over the past 12 months, the State Indicator Report (SIR) shows that North Carolina retained 71% of its issued penalties and 70% of penalties associated with contested cases as compared to 62% and 54% for federal OSHA. In consideration of final penalty amounts, North Carolina actually had higher penalty totals than federal OSHA. The State will not make additional changes to its penalty procedures at this time.

As federal OSHA and state procedures indicate, penalties are not designed as a punishment for violations but rather to serve as an effective deterrent and to provide an incentive toward correcting violations voluntarily prior to an enforcement inspection. The State maintains that the current penalty amounts are meeting this stated goal. This assumption is supported by the fact that injury and illness rates in the State continue to decline and the number of work-place fatalities in the State was the lowest in recent program history. Plus, the North Carolina Rate Bureau has dropped North Carolina's workers' compensation rates for the past two years and this affirms that safety does pay in many ways.

For the State, penalties are not the only deterrent available to encourage voluntary compliance. North Carolina has a fully effective compliance staff, including CSHO numbers that equal benchmark requirements. The state's compliance staff far exceeds numbers found in comparably sized federal OSHA States and produces inspections numbers that far exceed totals in federal OSHA States. The State has comparable penalty amounts and conducts far more inspections so the State's potential to provide a sufficient incentive for correction of violations should equal or exceed that of federal OSHA. We appreciate federal OSHA's offer to provide assistance to state plan states but the truth of the matter is that OSHA does not have the resources to fulfill this

pledge of support. For an agency that is understaffed and inadequately funded, relying mostly on increasing penalty amounts may seem to be the most viable strategy. However, this seems to be an example of the “one size fits all” approach that does not make sense in North Carolina.

The State has reviewed its willful procedures internally and with input from state attorneys. These procedures are similar to federal OSHA’s. As documented in the FAME Report, the State neither encourages nor discourages willful violations. The classification of willful violations rests solely on whether the definition of the Act is met when the CSHO believes a willful violation may exist. North Carolina does not feel that quotas should be set to cite a certain number of willful violations and, as the State indicated during the audit period, the number of willful can fluctuate from year to year. In FY 2009, the State had only one willful violation but, through eleven months in FY 2010, the State had already issued 20 willful violations. This number exceeds the federal OSHA average for FY 2009 of 13. Based on a system that equates similar activity as a means of determining “at least as effective” as status, the State would now be deemed more effective than federal OSHA in this category. However, the State believes that in an outcome-based evaluation system, the goal should be *no* documented willful violations not an excessive number of them. The State’s experience, based on nearly 40 years of working with employers, is that most would not intentionally violate the law or act indifferently to its requirements. The employers in North Carolina do not need to be shamed but rather assisted in their efforts to provide a safe and healthful place of employment. That is where our consultative services and educational initiatives come in. The reduction in injury and illness rates and the number of fatalities in the State over the last 40 years speaks to the commitment of North Carolina employers.

The State has not met its follow-up inspection goals and an action request will be processed through the state’s quality system to address this issue. This process requires a management review of the follow-up inspection goals and an action plan developed to address this issue. The State would agree to include the tracking of this activity in the FY 2011 Monitoring Plan. This could include reviewing follow-up activity at quarterly meetings between federal OSHA and the State.

Recommendation 7: North Carolina should review the status of all inspection on the IMIS Open Inspections Report and take any needed action to assure that activities related to the case have been taken and correctly entered into IMIS. In addition, procedures for routine review of data should be revised to take into account changes in staffing so that all IMIS data is subject to regular review.

As the Enhanced FAME Report indicated, “North Carolina uses available IMIS reports for effective program management.” The State will continue to use the IMIS Open Inspections Report and other IMIS reports to track the status of inspection activities. Appropriate action will continue to be taken to manage the inspection process, including closing cases that should be closed. Progress is being made in this area. In FY 2010, the State realized a 12.8% reduction in the number of open inspections. In addition, open inspection reports for employees no longer with the program have been assigned to current employees.

Recommendation 8: North Carolina should review its debt collection procedures to assure appropriate collection actions, recording of information, and timely closing of cases.

A committee was formed to address the debt collection issue and the group had their first meeting on February 19, 2010. The committee is made up of the compliance bureau chief, field supervisor, legal counsel, and budget employees. Debt collection procedures have been reviewed and revised in an effort to streamline the process and close cases in which the outstanding debt cannot be collected. Flow charts were developed and updated to reflect the penalty collection process and document collection related responsibilities. A checklist was also developed for CSHOs to ensure that all necessary documentation is provided to the budget office to facilitate the collection process. Staffing issues in the budget office have delayed the closing of cases. However, a new person has been hired to assist with debt collection and OSH was involved in the hiring process.

Recommendation 9A: North Carolina should review their retaliatory discrimination laws and procedures and consider discontinuing the practice of requiring that safety and health discrimination complaints be submitted in writing. Complaints should be docketed on the date that the complainant contacts EDB and provides information establishing a prima facie case.

The State could not discontinue the practice of requiring that safety and health discrimination complaints be submitted in writing without amending the Retaliatory Employment Discrimination Act of 1992 that includes this requirement. This requirement is not unique and is identical to the statutory language in both the federal and state OSH Acts for safety or health complaints. Most discrimination complaints are actually received by phone and the complainant is provided the necessary forms to initiate the formal complaint submittal process in writing. Assistance is provided to the complainant to make sure that all necessary items are submitted including signature. The State has not received any feedback from complainants that would indicate that this requirement is causing a hardship.

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State discrimination complaints are docketed on the day that the signed complaint is received. The complainant has a 180-day filing period as compared to the 30-day federal OSHA filing deadline. For this reason, the urgency of docketing the complaint at the initial contact time is not as significant for the State. Plus, the state's lapse time for responding to discrimination complaints is less than federal OSHA.

Recommendation 9B: North Carolina discrimination investigators should conduct interviews in person when possible to assure that the quality of EDB investigations is not negatively impacted by conducting interviews by telephone.

The audit report does not include any evidence that the quality of the North Carolina discrimination investigation process is negatively affected as a result of some interviews being conducted by telephone. Federal OSHA procedures do not prohibit interviews to be conducted by phone. By reducing travel time associated with in person interviews, more investigations can be done in less time resulting in a reduced backlog of complaints. From a practical standpoint, this is also a cost-saving proposition. State policies do not require that all interviews be conducted by phone. In-person interviews are conducted when circumstances indicate that this would be a better approach. It is not unusual for the telephone to be used in various other aspects of enforcing occupational safety and health requirements, and the use of the telephone is not necessarily a bad approach.

However, North Carolina is committed to routinely reviewing the practice of conducting interviews by phone. If it can be proven that this practice adversely affects the quality of our investigations, the practice could be curtailed. However, the FY 2009 initial draft FAME report determined that "North Carolina was found to have an effective program for assuring employees are protected against discrimination," even using procedures that are not identical to federal OSHA procedures.

Recommendation 9C: North Carolina should assure that safety and health discrimination files include details about the closing conference.

The State will review its OSH discrimination closing conference procedures and will require that closing conference details are included in the safety and health discrimination files, if this information adds value to the investigation process.

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Recommendation 9D: North Carolina should review its settlement policy for safety and health discrimination cases and consider adding criteria consistent with current federal OSHA guidelines.

The Bureau Chief of the Employment Discrimination Bureau is reviewing federal OSHA's settlement policies for safety and health discrimination cases to determine if adoption of these policies would enhance the settlement process in North Carolina.

Additionally, the current federal OSHA Whistleblower Investigation Manual is nearly seven years old, and the state has not significantly updated its discrimination manual during that time period either. The release of the new federal OSHA Whistleblower Investigations Manual would seem to be a logical time for the State to review all of its safety and health discrimination policies to determine if any changes need to be made. While the draft manual has been released, there has been no indication when the final federal document will be issued. However, when the manual is finalized the State will begin the review process and work with federal OSHA to improve investigative procedures where appropriate.

Finally, we appreciate the opportunity to respond to the specific recommendations included in the FY 2009 Enhanced FAME Report. The Occupational Safety and Health Division of the North Carolina Department of Labor will work toward continuous improvement in an effort to positively impact statewide occupational safety and health. We feel that, partnering with OSHA, we can both make significant progress toward our mutual goals of further reducing occupational injuries, illnesses and fatalities.

Sincerely,
/signed/

Allen McNeely

cc: Suzanne Street

**NORTH CAROLINA
OCCUPATIONAL SAFETY AND HEALTH**

Program Statistics

October 2008–September 2009



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Commissioner of Labor**

**NORTH CAROLINA
OCCUPATIONAL SAFETY AND HEALTH**

Program Statistics

October 2008–September 2009



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For statistical information concerning occupational safety and health program activities and the release of investigative case file documents from occupational safety and health files covered by the North Carolina Public Records Act contact:

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This report was prepared by the Planning, Statistics and Information Management Bureau of the Occupational Safety and Health Division and the Publications Bureau of the N.C. Department of Labor.

Photocopying and wide dissemination of this report are encouraged.

NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH PROGRAM DESCRIPTION

Pursuant to Section 18 of the Williams-Steiger Occupational Safety and Health Act of 1970, the General Assembly of North Carolina in 1973 selected the N.C. Department of Labor, under the commissioner of labor, as the designated agency to administer the state's Occupational Safety and Health Act. The North Carolina program is monitored and funded, in part, by the U.S. Department of Labor, Occupational Safety and Health Administration. The expressed purpose of the state act is to assure, so far as possible, every working man and woman in the state of North Carolina safe and healthful working conditions and to preserve human resources. The General Assembly created the Occupational Safety and Health Division within the Department of Labor to carry out the provisions of the act. On Dec. 10, 1997, the U.S. Department of Labor awarded North Carolina final approval under Section 18(e) of the Occupational Safety and Health Act of 1970 as having a "fully effective" state OSHA program, the highest level of approval possible.

The NCDOL Occupational Safety and Health Division covers all industries in North Carolina except: the federal government; employees subject to the Atomic Energy Act of 1954, the Federal Coal Mine Safety and Health Act of 1969, the Federal Metal and Nonmetallic Mine Safety Act, and the Federal Railroad Safety Act of 1970; maritime industries; and those employees whose employer is within that class and type of employment that does not permit federal funding on a matching basis to the state in return for state enforcement of all occupational safety and health issues. The Occupational Safety and Health Division endeavors to focus its resources toward identifying and eliminating safety and health hazards in industries with the highest injury and illness rates.

The Occupational Safety and Health Division consists of the director's administrative staff and six organizational bureaus. The bureaus are East Compliance; West Compliance; Education, Training and Technical Assistance; Consultative Services; Planning, Statistics and Information Management; and Agricultural Safety and Health. The state Advisory Council on Occupational Safety and Health provides the commissioner of labor with advice in regard to the administration of the act. The N.C. Occupational Safety and Health Review Commission, appointed by the governor, provides an appellate opportunity to people adversely affected by safety and health citations.

The primary activities of the division are as follows:

- To conduct public and private sector safety and health inspections to ensure compliance with the act.
- To provide technical assistance and information to employers, employees and organizations on all aspects of safety and health program development and administration.
- To provide on-site consultative services to small public and private sector employers.
- To provide education and training on safety and health to public and private sector employees.
- To review, develop and promulgate standards, rules, procedures and program directives as they apply to the proper administration of the act.

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**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Executive Summary

Background: The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor monitors state programs effectiveness by making comparisons of state data versus federal data. This report highlights North Carolina’s occupational safety and health program experience through a comparison to other state programs and the federal program experience for federal fiscal year 2009, Oct. 1, 2008–Sept. 30, 2009.

North Carolina is one of 22 jurisdictions (21 states and one territory—see Text Table 1) with an approved state program for occupational safety and health. Twenty-nine states plus the District of Columbia operate under the exclusive jurisdiction of federal OSHA, with the exception of Connecticut, New York, New Jersey and the Virgin Islands, which have state plans for the public sector only (see Text Table 1). Throughout the report, we compare the North Carolina program experience to the 22 state programs and the 31 federal jurisdictions. Comparisons of the number of establishments covered by the state administered occupational safety and health programs are presented in the Text Tables 2 and 3, respectively.

Methodology: Report data on total numbers and dollar amounts were generated from “United States Department of Labor, Occupational Safety and Health Administration, Inspection Report, October 1, 2007–September 30, 2008.” Averages and percentages were calculated by the Planning, Statistics and Information Management Bureau, and the graphs and charts were prepared by the Publications Bureau, N.C. Department of Labor.

Highlights: The following summary highlights some of the comparisons contained in this report.

Text Table 1			
STATES AND TERRITORIES WITH APPROVED PLANS FOR OCCUPATIONAL SAFETY AND HEALTH		STATES AND TERRITORIES OPERATED UNDER EXCLUSIVE FEDERAL JURISDICTION	
Alaska	New Mexico	Alabama	Montana
Arizona	North Carolina	Arkansas	Nebraska
California	Oregon	Colorado	New Hampshire
Hawaii	Puerto Rico	Connecticut ¹	New Jersey ¹
Indiana	South Carolina	Delaware	New York ¹
Iowa	Tennessee	District of Columbia	North Dakota
Kentucky	Utah	Florida	Ohio
Maryland	Vermont	Georgia	Oklahoma
Michigan	Virginia	Idaho	Pennsylvania
Minnesota	Washington	Illinois ²	Rhode Island
Nevada	Wyoming	Kansas	South Dakota
		Louisiana	Texas
		Maine	Virgin Islands ¹
		Massachusetts	West Virginia
		Mississippi	Wisconsin
		Missouri	

NOTE: 1. Connecticut, New Jersey, New York and the Virgin Islands state plans are public sector only.
2. Effective Sept. 1, 2009, Illinois became the latest state plan for public sector only; however, since the majority of FY 2009 was not applicable, data related to Illinois public sector activity will be reflected in FY 2010.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Executive Summary (continued)

Inspections

During fiscal year 2009 (October 2008–September 2009), North Carolina conducted 5,196 inspections, 2,409 more than the average state program and 3,936 more than the average federal jurisdiction.

Of North Carolina's 5,196 inspections, 3,354 (65 percent) were safety and 1,842 (35 percent) were health. In the average state program, 79 percent were safety and 21 percent were health, while in the average federal jurisdiction 85 percent were safety and 15 percent were health.

In the inspection type category, North Carolina programmed inspections accounted for 68 percent of inspection activity, compared to 65 percent in the average state program and 62 percent in the average federal jurisdiction. Complaint inspections accounted for 17 percent of inspections in North Carolina, 14 percent in the average state program, and 17 percent in the average federal jurisdiction.

In the inspection by industry group, North Carolina, the average state program and the average federal jurisdiction are very similar in manufacturing inspections with 20 percent, 16 percent and 19 percent respectively. However, North Carolina conducted 42 percent of inspections in construction compared to 43 percent in the average state program and 61 percent in the average federal jurisdiction.

North Carolina conducted 3 percent of inspections in the public sector compared to 13 percent of inspections in the public sector for the average state program. Federal OSHA does not cover the public sector.

Violations

North Carolina cited 13,695 total violations, a 1 percent increase from the previous year. The average state program cited 5,875 violations, a 6 percent increase, and the average federal jurisdiction cited 2,821 violations, a 1 percent increase. Overall, North Carolina cited more violations per inspection (3.7), than the average state program (3.3), and more than the average federal jurisdiction (2.3). North Carolina cited more serious violations (5,239) in FY 2009 than the average state program (2,502) and more than the average federal jurisdiction (2,174). North Carolina also cited more nonserious violations (8,194) in FY 2009 than the average state program (3,249) and more than the average federal jurisdiction (539).

Penalty Assessments

Total penalty assessments in North Carolina were \$3,235,393 in FY 2009, which was higher than the average state program (\$2,683,683), and higher than the average federal jurisdiction (\$3,056,367). North Carolina assessed a total of \$88,956 in penalties for violations in the public sector in FY 2009.

North Carolina's average penalty per violation was lower than the average state program per serious violation (\$509 vs. \$776), per repeat violation (\$1,284 vs. \$1,756), per nonserious violation (\$8 vs. \$103), and per willful violation (\$14,000 vs. \$19,693). However it was higher per failure-to-abate violation (\$10,933 vs. \$3,376). The average federal jurisdiction penalty per violation was higher than North Carolina's per serious violation (\$963 vs. \$509), per repeat violation (\$3,858 vs. \$1,284), per willful violation (\$33,350 vs. \$14,000), and per nonserious violation (\$234 vs. \$8). However North Carolina's average penalty per failure-to-abate violation (\$10,933 vs. \$8,854) was higher than the average federal jurisdiction.

Litigation

In North Carolina, 3.1 percent of the inspections with citations were contested in FY 2009, higher than FY 2008 (2.1). The average state program had 13.1 percent of the inspections with citations contested, while the average federal jurisdiction had 7.1 percent of the inspections with citations contested.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Executive Summary (continued)

Consultation

The North Carolina consultation program conducted 1,186 total visits in FY 2009. This was a 2 percent increase from FY 2008. Of 1,186 traditional visits, 88 percent were initial visits, 6 percent were training/assistance visits, and 6 percent were followup visits. The industry mix for the traditional consultative visits in FY 2009 was 29 percent manufacturing, 23 percent construction, 31 percent other, and 17 percent public sector.

The consultation program continues to participate in a Region IV pilot project that uses workers' compensation data to target companies for consultation. Participation in this project requires a safety and health program assessment and that the company agree to a three-year commitment with the Department of Labor. The Carolina Star Program awarded Star program status to 13 new companies and awarded three-year recertification to 25 existing companies in FY 2009. There are currently a total of 119 companies in the Star programs.

Education, Training and Technical Assistance

The Education, Training and Technical Assistance Bureau outreach training calendar and newsletter was e-mailed to more than 7,000 employers/employees during FY 2009. The bureau also distributed 53,717 OSHA-related publications in FY 2009, a 29 percent decrease from FY 2008 with 69,504, and a 136 percent decrease from FY 2007 with 126,904. In 2009, the Education, Training and Technical Assistance Bureau provided training for 9,258 employers and employees. During FY 2009 the bureau's training section began offering electronic certificates for 10- and 30-hour workshops and individual topic workshops and webinars.

Fatalities

The NCDOL Occupational Safety and Health Division evaluated and investigated a total of 41 occupational fatalities that occurred during FY 2009. Of the 41 investigated fatalities in FY 2009, 29 percent were related to being "crushed" by an object, 17 percent were related to "falls," 17 percent were related to being "struck by" an object, 5 percent were related to "electrocutions," and 32 percent were related to "other."

Construction Inspections Emphasis

The Occupational Safety and Health Division established a construction special emphasis program (SEP) to decrease fatalities in the construction industry (SIC 15-17 and NAICS 23). The North Carolina counties included in the program are: Dare, Durham, Forsyth, Guilford, Iredell, Mecklenburg and Wake. The Construction Industry Special Emphasis Program accounted for 2,198 inspections during FY 2009 in North Carolina. Of the 2,198 inspections, 80 percent were safety and 20 percent were health. In-compliance inspections totaled 33 percent of all activity within the SEP, and 67 percent of all inspections had citations issued. The construction industry was cited for 2,491 serious, willful and repeat violations during FY 2009. A total of 1,223 inspections were conducted in the SEP counties.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Text Table 2

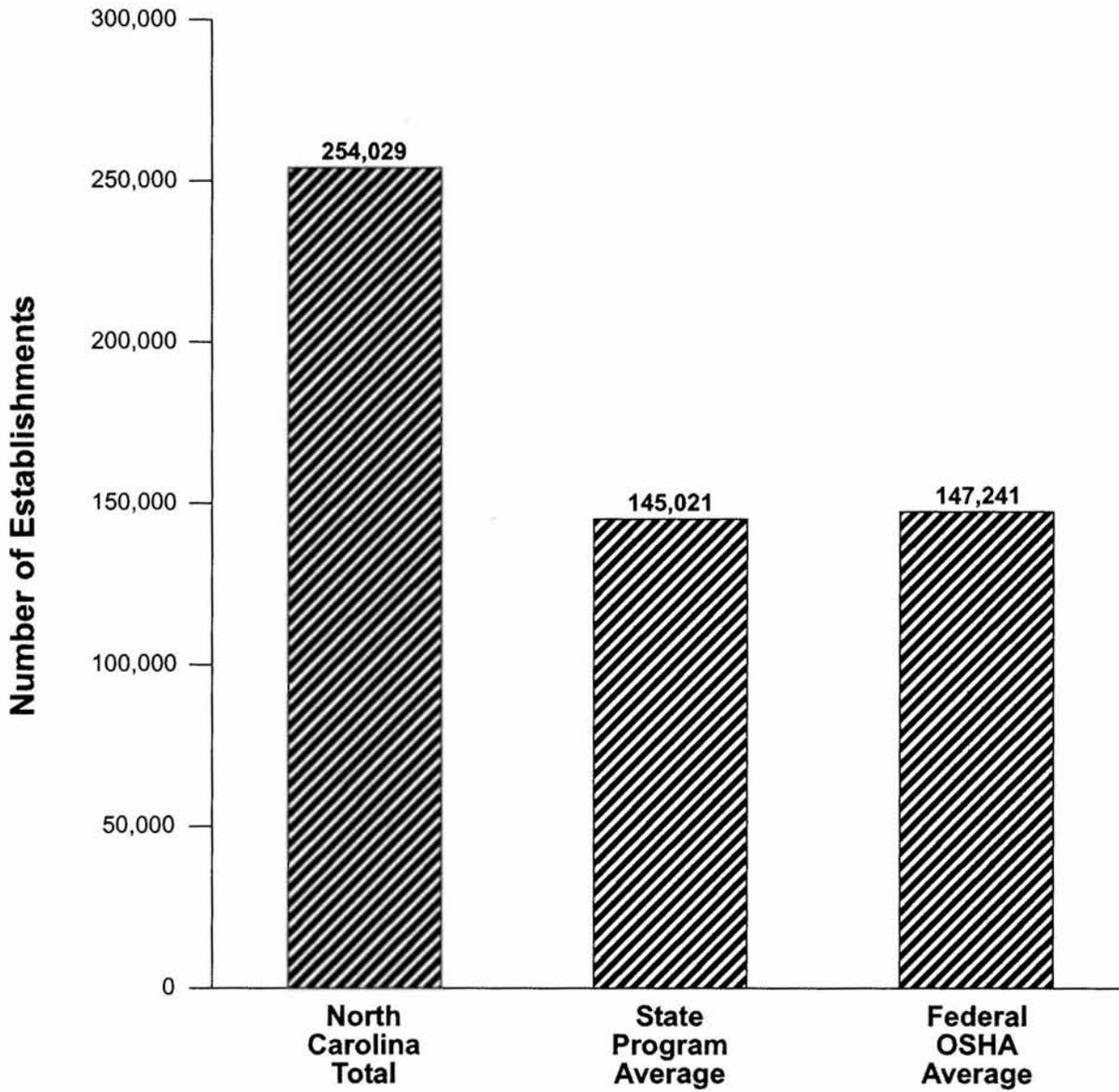
Comparison of Establishments Covered by State and Federally Administered Occupational Safety and Health Programs

State Administered Programs	Number of Establishments ¹	Federally Administered Programs	Number of Establishments ¹
Total 21 states, 1 jurisdiction	3,219,171	Total 29 states, 2 jurisdictions³	4,561,893
Region 1—1 state	22,341	Region 1—5 states	382,634
Vermont	22,341	Connecticut ⁴	93,615
Region 2—1 jurisdiction	47,340	Maine	42,506
Puerto Rico	47,340	Massachusetts	176,701
Region 3—2 states	341,835	New Hampshire	39,453
Maryland	141,332	Rhode Island	30,359
Virginia	200,503	Region 2—2 states, 1 jurisdiction	765,422
Region 4—4 states	593,316	New Jersey ⁴	243,350
Kentucky	93,539	New York ⁴	519,489
North Carolina	254,029	Virgin Islands ^{2, 4}	2,583
South Carolina	107,893	Region 3—3 states, 1 jurisdiction	392,352
Tennessee	137,855	Delaware	25,521
Region 5—3 states	539,806	District of Columbia	20,994
Indiana	152,858	Pennsylvania	305,345
Michigan	235,422	West Virginia	40,492
Minnesota	151,526	Region 4—4 states	922,772
Region 6—1 state	46,869	Alabama	105,627
New Mexico	46,869	Florida	523,461
Region 7—1 state	83,158	Georgia	231,810
Iowa	83,158	Mississippi	61,874
Region 8—2 states	92,645	Region 5—3 states	741,791
Utah	71,880	Illinois ⁵	325,206
Wyoming	20,765	Ohio	270,299
Region 9—4 states	1,131,149	Wisconsin	146,286
Arizona	142,925	Region 6—4 states	784,913
California	891,997	Arkansas	67,648
Hawaii	33,388	Louisiana	104,622
Nevada	62,839	Oklahoma	91,235
Region 10—3 states	318,129	Texas	521,408
Alaska	20,198	Region 7—3 states	284,157
Oregon	113,389	Kansas	77,157
Washington	184,542	Missouri	154,483
		Nebraska	52,517
		Region 8—4 states	243,024
		Colorado	157,882
		Montana	37,755
		North Dakota	21,518
		South Dakota	25,869
		Region 9³	
		Region 10—1 state	47,411
		Idaho	47,411

1. Source: Number of Establishments: County Business Patterns—United States, 2007 (Private sector only).
2. Virgin Islands data for 1997. Data are available only every five years.
3. Excludes American Samoa, Guam, and the Trust Territory of Pacific Islands (Region 9).
4. Connecticut, New Jersey, New York and the Virgin Islands have state administered occupational safety and health programs for their public sectors.
5. Effective Sept. 1, 2009, Illinois became the latest state plan for public sector only; however, since the majority of FY 2009 was not applicable, data related to Illinois public sector activity will be reflected in FY 2010.

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Text Table 3
Comparison of Number of Establishments



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Inspection Series

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Definitions of Types of Inspections

I. General Schedule Inspections:

- A. Programmed Planned**—An inspection randomly selected and scheduled from a master list of all employers, or selected from lists of employers in specific industries as part of a national or local occupational safety and health emphasis program.
- B. Programmed Related**—An inspection of an employer at a multi-employer worksite who was not included in the programmed planned assignment that initiated the worksite visit.

II. Unprogrammed Inspections:

A. Accident:

An accident inspection results from the reporting of the following:

- 1. Fatality**—An employee death resulting from an employment accident or illness caused by or related to a workplace hazard.
- 2. Catastrophe**—The hospitalization of three or more employees resulting from an employment accident or illness; in general, from an accident or illness caused by a workplace hazard. Hospitalization is defined as being admitted as an inpatient to a hospital or equivalent medical facility for examination or treatment.
- 3. Other Significant Incident***—Any other significant incident that actually or potentially resulted in a serious injury or illness.

B. Complaint:

A complaint is a notice given by an employee, a representative of employees, or any other source not identified as a referral source of a hazard or a violation of the act believed to exist in a workplace. A complaint is normally distinguished from a referral by the source providing information on the alleged hazard.

C. Referral:

Notices of hazards or alleged violations originated by the following sources are classified as referrals:

- 1. safety or health compliance officer
- 2. safety and health agency
- 3. other government agency
- 4. media report
- 5. employer report

D. Followup:

A followup inspection is an inspection conducted to determine whether the employer has abated violations previously cited on an OSH inspection.

E. Unprogrammed Related:

An unprogrammed related inspection is an inspection of an employer of a multi-employer worksite who was not identified as an exposing employer in the original unprogrammed inspection assignment (e.g., complaint, accident, referral) that initiated the visit to the worksite.

*Federal OSHA also classifies fatalities and catastrophes as accidents or events. However, in North Carolina other significant incidents of injuries are classified by source. Information about injuries obtained through the media are referrals; incidents reported by co-workers or relatives are complaints.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Inspections Series Highlights

- The number of inspections in North Carolina increased from 5,159 in FY 2008 to 5,196 in FY 2009, an increase of 1 percent.
- The average number of inspections in state programs was 2,787, more than FY 2008 (2,628).
- The average number of inspections in federal jurisdictions was 1,260, more than FY 2008 (1,247).
- The number of safety inspections in North Carolina decreased from 3,477 in FY 2008 to 3,354 in FY 2009, a decrease of 4 percent.
- The number of safety inspections in state programs increased from 2,064 in FY 2008 to 2,192 in FY 2009, an increase of 6 percent.
- The number of safety inspections in federal jurisdictions had less than a 1 percent increase from 1,069 in FY 2008 to 1,073 in FY 2009.
- The number of health inspections in North Carolina increased from 1,682 in FY 2008 to 1,842 in FY 2009, an increase of 9 percent.
- The number of health inspections in state programs increased from 564 in FY 2008 to 595 in FY 2009, an increase of 5 percent.
- The number of health inspections in federal jurisdictions had a 5 percent increase from 178 in FY 2008 to 187 in FY 2009.
- The percentage of inspections conducted in FY 2009 for manufacturing was 20 percent of the total inspections for North Carolina, compared to 16 percent of total inspections for the average state program, and 19 percent of total inspections for the average federal jurisdiction.
- The percentage of inspections conducted in FY 2009 for construction was 42 percent of total inspections for North Carolina, compared to 43 percent of total inspections for the average state program, and 61 percent of the total inspections for the average federal jurisdiction.
- North Carolina conducted 3 percent of the total inspections in the public sector in FY 2009, compared to 13 percent of total inspections in the public sector for the average state program. Federal OSHA does not have jurisdiction over public sector establishments.
- The average number of days from the opening conference until citations were issued for FY 2009 was 20 days for North Carolina, 33 days for the average state program, and 36 for the average federal jurisdiction.

CHART 1

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Inspections, All Types

Comparison	FY 2007		FY 2008		FY 2009	
	Total	Program Average	Total	Program Average	Total	Program Average
North Carolina	4,900	4,900	5,159	5,159	5,196	5,196
State Program**	57,556	2,616	57,822	2,628	61,324	2,787
Federal OSHA*	39,404	1,271	38,675	1,247	39,076	1,260

Inspections by Category FY 2009

Comparison	Safety Total	Safety Percent	Health Total	Health Percent
North Carolina	3,354	65	1,842	35
State Program**	2,192	79	595	21
Federal OSHA*	1,073	85	187	15

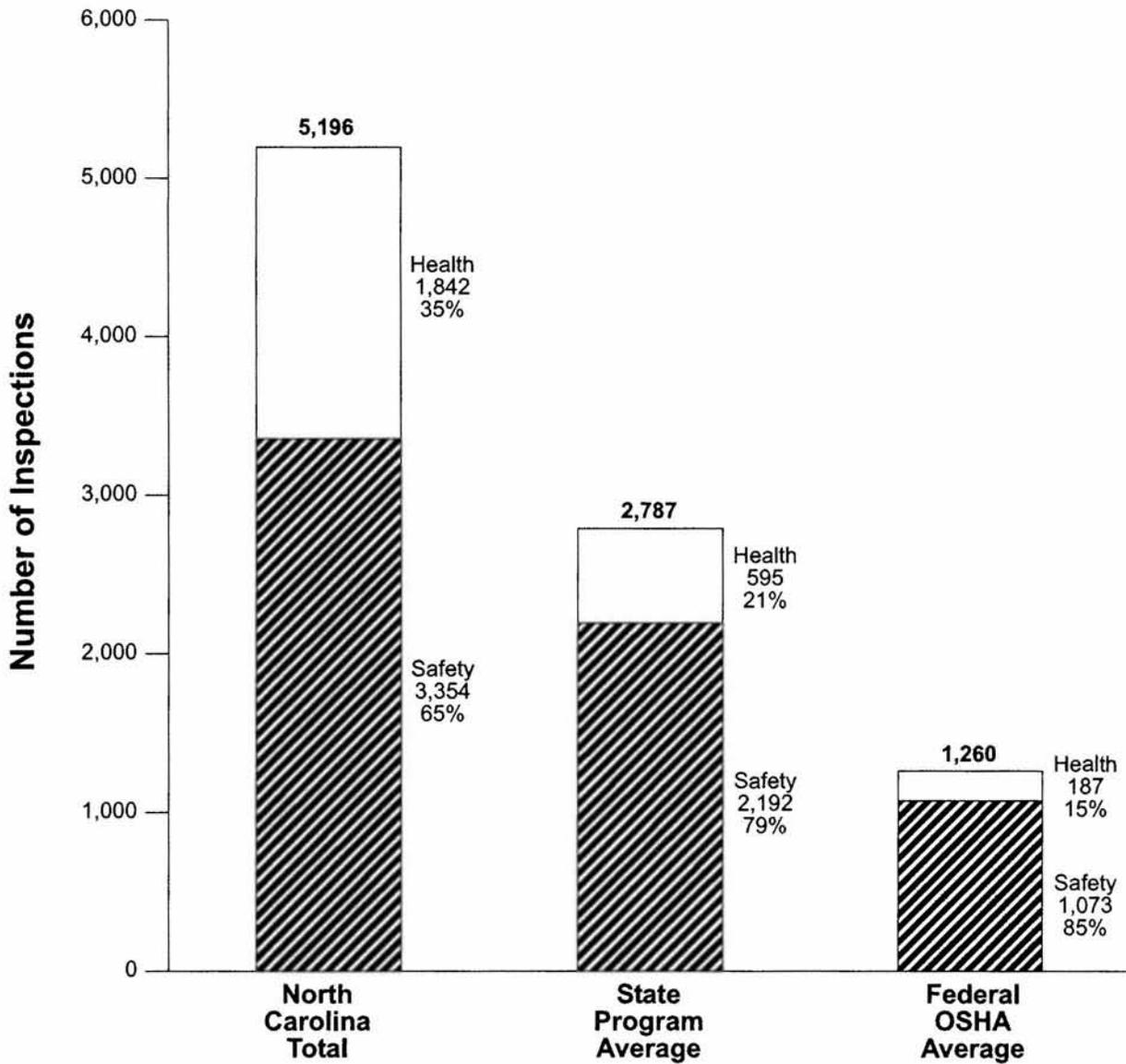
*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

CHART 2

Inspections by Category*



*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Inspections by Type

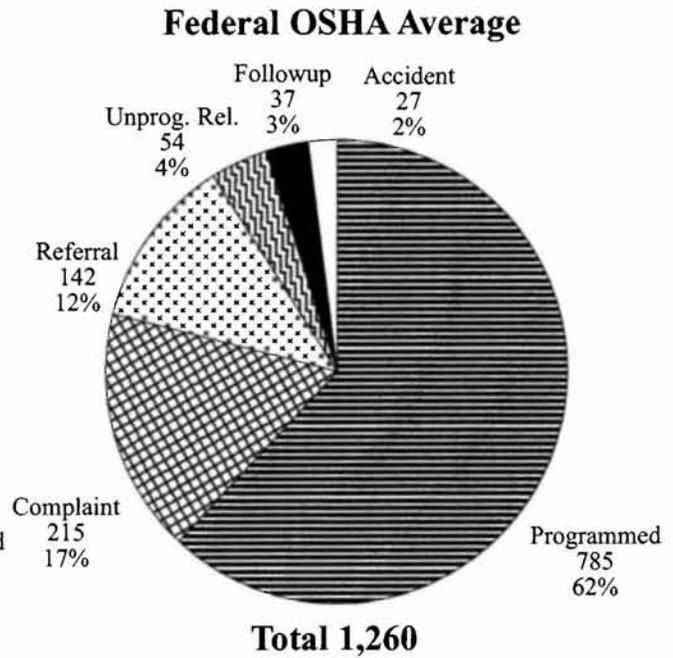
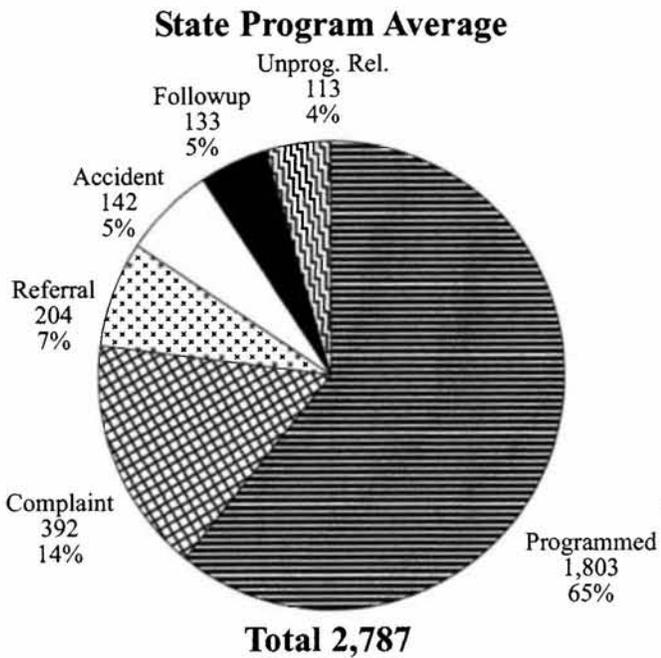
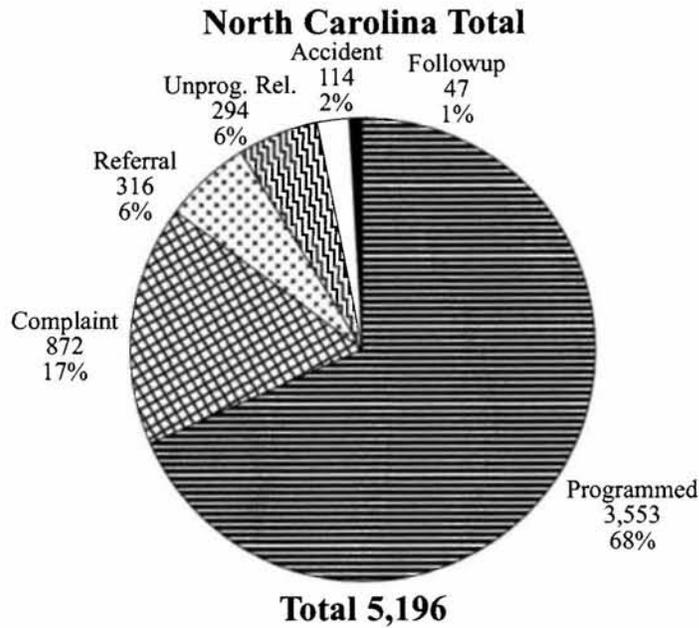
Comparison	Accident		Complaint		Programmed	
	Total	Percent	Total	Percent	Total	Percent
North Carolina	114	2	872	17	3,553	68
State Program**	142	5	392	14	1,803	65
Federal OSHA*	27	2	215	17	785	62

Comparison	Followup		Referral		Unprogrammed Related	
	Total	Percent	Total	Percent	Total	Percent
North Carolina	47	1	316	6	294	6
State Program**	133	5	204	7	113	4
Federal OSHA*	37	3	142	12	54	4

*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

Inspections by Type*



*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Inspections by Industry Type

Comparison	Construction		Manufacturing	
	Total	Percent	Total	Percent
North Carolina	2,198	42	1,049	20
State Program**	1,193	43	454	16
Federal OSHA*	773	61	236	19

Comparison	Other		Public Sector***	
	Total	Percent	Total	Percent
North Carolina	1,811	35	138	3
State Program**	784	28	356	13
Federal OSHA*	251	20	N/A	N/A

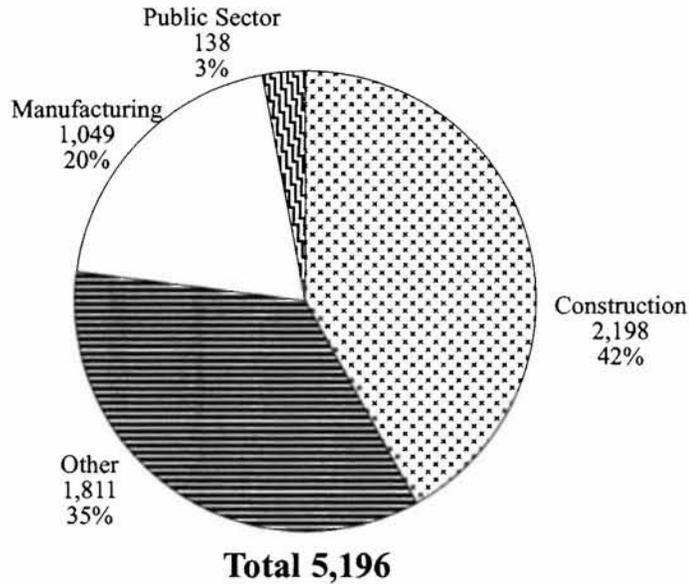
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**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

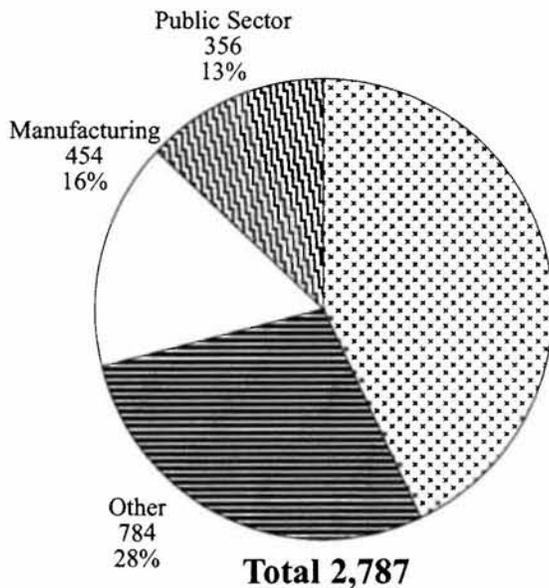
***Federally administered programs do not cover public sector.

Inspections by Industry Type*

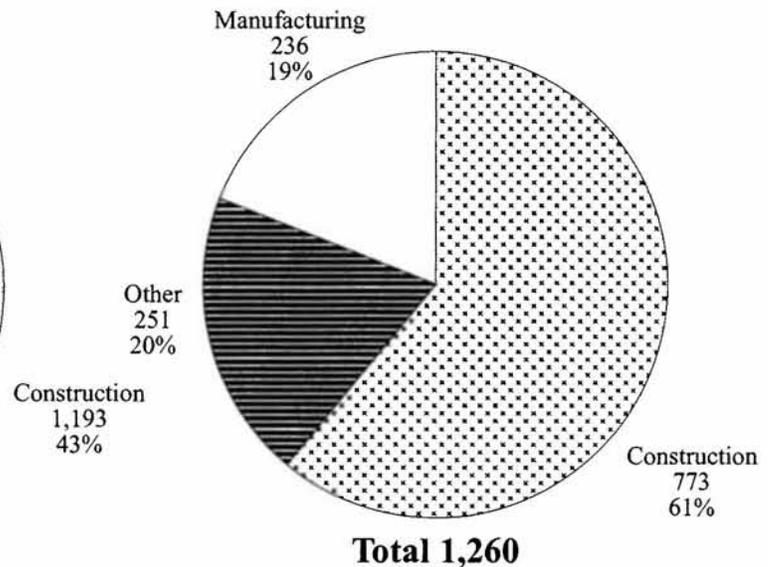
North Carolina Total



State Program Average



Federal OSHA Average

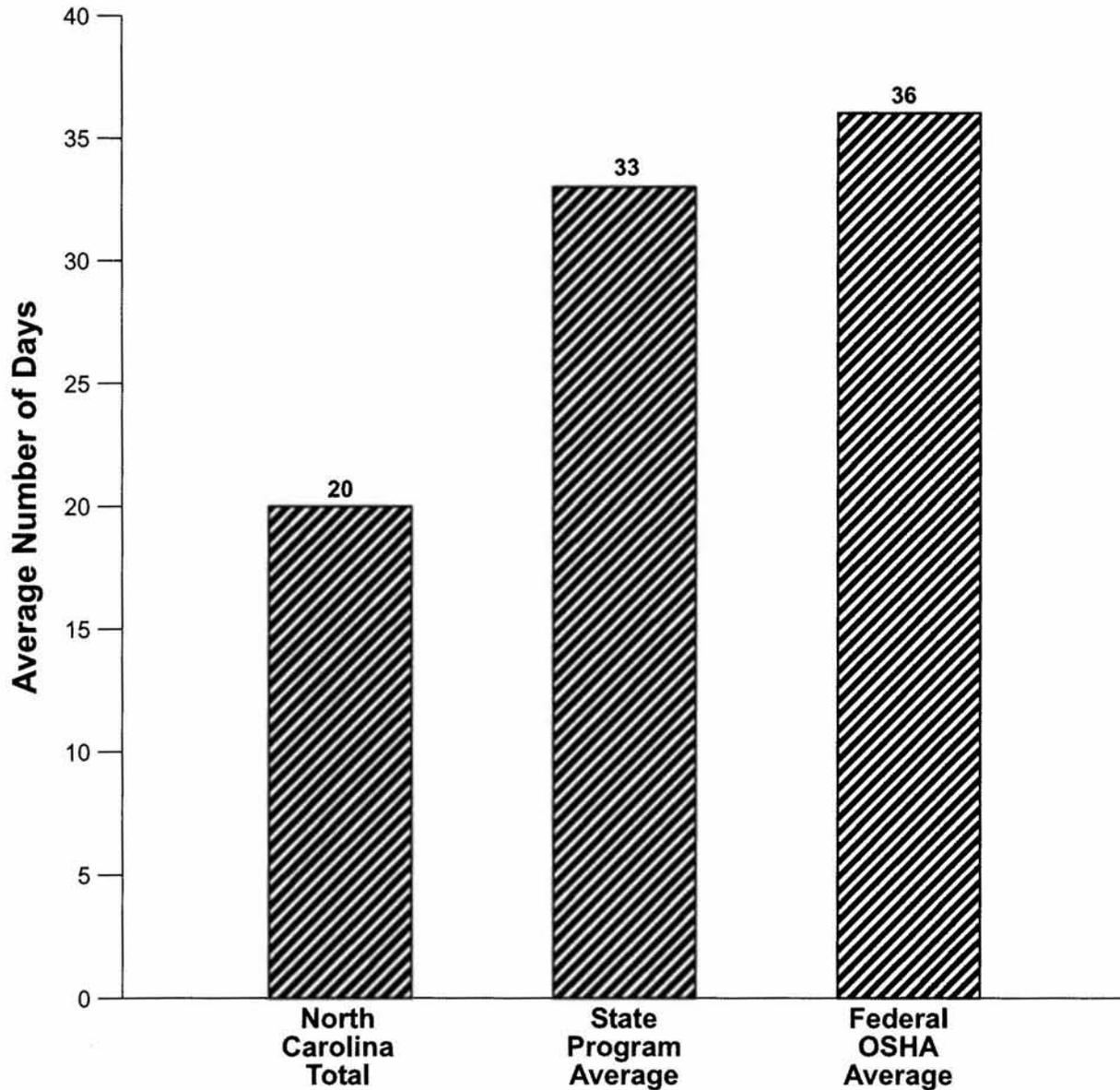


*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

CHART 7

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Average Lapse Time for All Inspections***



*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

**Lapse time is the number of days from the opening conference until citations are issued.

Violation Series

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Definitions of Types of Violations

1. WILLFUL—A “willful” violation may exist under the North Carolina Occupational Safety and Health Act where the evidence shows that the employer committed an intentional and knowing, as contrasted with inadvertent, violation of the act and the employer is conscious of the fact that what he is doing constitutes a violation of the act; or even though the employer was not consciously violating the act, he was aware that a hazardous condition existed and made no reasonable effort to eliminate the condition. It is not necessary that the violation be committed with malice or an evil intent to be deemed “willful” under the act. It is sufficient that the act was deliberate, voluntary or intentional as distinguished from those that were inadvertent, accidental or ordinarily negligent.

2. SERIOUS—A serious violation exists in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations or processes that have been adopted or are in use at such place of employment, unless the employer did not know and could not, with the exercise of reasonable diligence, know of the presence of the violation. A citation for serious violations may be issued for a group of individual violations which, when taken by themselves, would not be serious, but when considered together would be serious in the sense that in combination they present a substantial probability of injury resulting in death or serious physical harm to employees.

3. OTHER-THAN-SERIOUS (NONSERIOUS)—This type of violation is cited where an accident or occupational illness resulting from violation of a standard would probably not cause death or serious physical harm but would have a direct or immediate relationship to the safety or health of employees. An example of an “other” violation is the lack of guardrails at a height from which a fall would more probably result in only a mild sprain or cut and abrasions, i.e., something less than serious physical harm.

4. REPEAT—A citation for a repeat violation may be issued where upon reinspection a second violation of the previous cited section of a standard, regulation, rule, order or condition violating the General Duty Clause is found and:

- (a) The citation is issued within three years of the final order of the previous citation; or
- (b) The citation is issued within three years of the final abatement date of that citation, whichever is later.

Repeat violations differ from willful violations in that they may result from an inadvertent, accidental or ordinarily negligent act. A willful violation need not be one for which the employer has been previously cited. If a repeat violation is also willful, a citation for the latter violation will be issued.

Repeat violations are also to be distinguished from a failure-to-abate violation. If upon reinspection a violation of a previously cited standard is found, if such violation does not involve the same piece of equipment or the same location within an establishment or worksite, the violation may be a repeat. If upon reinspection a violation of a previously cited standard is found on the same piece of equipment or in the same location, and the evidence indicates that the violation has continued uncorrected since the original inspection, then there has been a failure-to-abate. If, however, the violation was not continuous, i.e., if it has been corrected and reoccurred, the subsequent reoccurrence is a repeat violation. The violation can be classified as repeat-serious or repeat other-than-serious using the criteria normally applied for serious and other-than-serious violations.

The violation can be classified as repeat-serious or repeat other-than-serious using the criteria normally applied for serious and other-than-serious violations.

5. FAILURE-TO-ABATE—If an employer has not corrected an alleged violation for which a citation has been issued, the violation can be classified as failure-to-abate serious or other-than-serious using the criteria normally applied for serious and other-than-serious violations.

SOURCE: *North Carolina Field Operations Manual*, Chapter IV, “Violations,” and Chapter VI, “Penalties.”

**N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009**

Violation Series Highlights

- The total number of violations cited by North Carolina decreased 1 percent from 13,815 in FY 2008 to 13,695 in FY 2009.
- The total number of violations cited in FY 2009 by the average state program was 5,875, a 6 percent increase from FY 2008 (5,522).
- The average federal jurisdiction experienced a 1 percent increase in the total violations cited, from 2,798 in FY 2008 to 2,821 in FY 2009.
- North Carolina cited 5,239 serious violations in FY 2009, a 1 percent decrease from 5,290 serious violations in FY 2008.
- The average state program cited 2,502 serious violations in FY 2009, a 6 percent increase from FY 2008 with 2,363.
- The average federal jurisdiction cited 2,174 serious violations in FY 2009, a 2 percent increase from 2,123 serious violations in FY 2008.
- North Carolina continues to cite more nonserious violations 8,194, compared to the average state program with 3,249 nonserious violations and the average federal jurisdiction with 539 nonserious violations cited in FY 2009.
- Overall, North Carolina cited more violations per inspection (3.7) than the average state program (3.3) and more violations per inspection than the average federal jurisdiction (2.3).
- In FY 2009, North Carolina reclassified 1.8 percent of the violations, compared to 4.8 percent of violations reclassified in the average federal jurisdiction.

CHART 8

Violations in Fiscal Years 2007–2009

Comparison	FY 2007		FY 2008		FY 2009	
	Total	Program Average	Total	Program Average	Total	Program Average
North Carolina	12,934	12,934	13,815	13,815	13,695	13,695
State Program**	123,423	5,610	121,488	5,522	129,250	5,875
Federal OSHA*	87,863	2,834	86,753	2,798	87,469	2,821

*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

CHART 9

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Violations by Type

Comparison	Serious			Nonserious		
	Total	Average	Percent	Total	Average	Percent
North Carolina	5,239	5,239	38	8,194	8,194	60
State Program**	55,049	2,502	43	71,472	3,249	55
Federal OSHA*	67,411	2,174	77	16,703	539	19

Comparison	Repeat			Willful		
	Total	Average	Percent	Total	Average	Percent
North Carolina	246	246	2	1	1	0
State Program**	2,040	93	2	171	8	0
Federal OSHA*	2,750	89	3	395	13	1

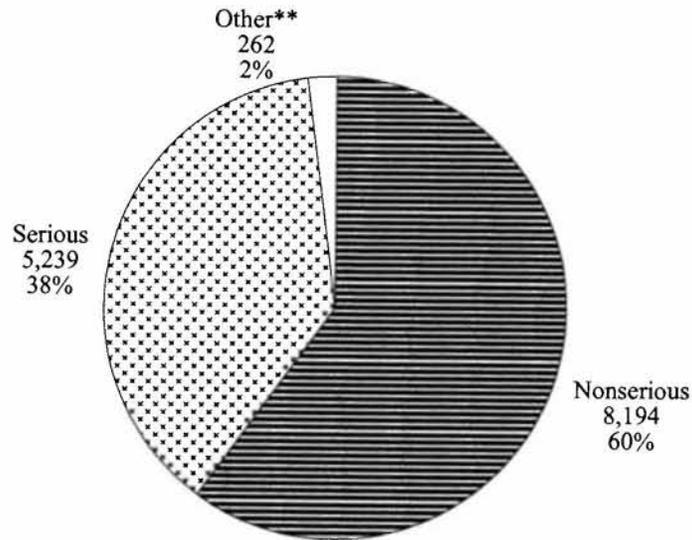
Comparison	Failure-to-Abate			Unclassified		
	Total	Average	Percent	Total	Average	Percent
North Carolina	15	15	0	0	0	0
State Program**	504	23	0	14	0	0
Federal OSHA*	200	6	0	10	0	0

*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

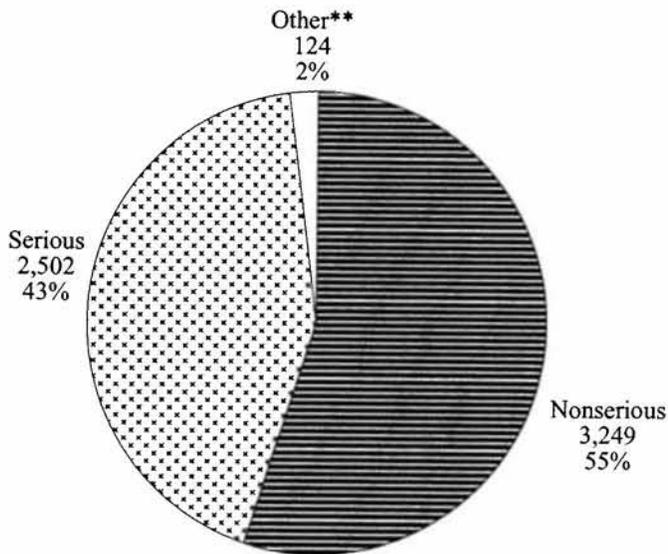
Violations by Type*

North Carolina Total



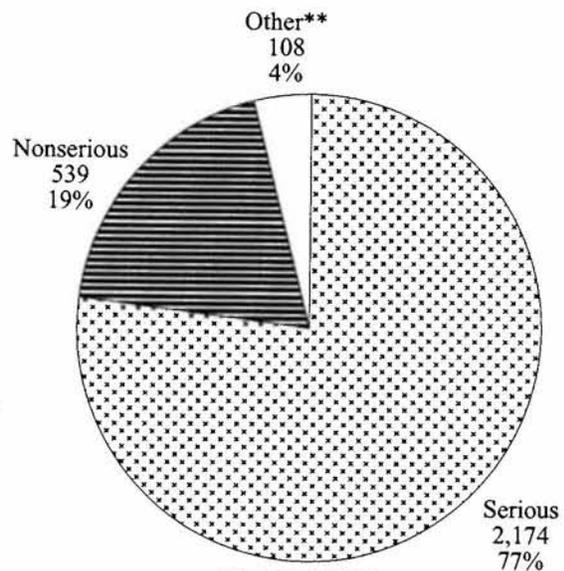
Total 13,695

State Program Average



Total 5,875

Federal OSHA Average



Total 2,821

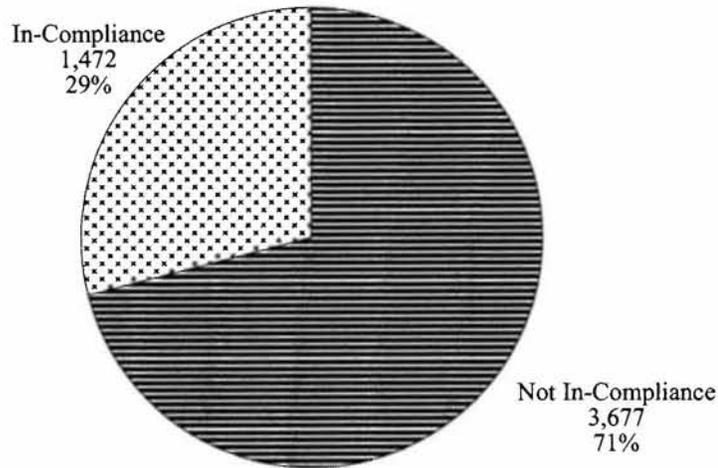
*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

**"Other" violations include repeat, willful, failure-to-abate and unclassified violations.

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

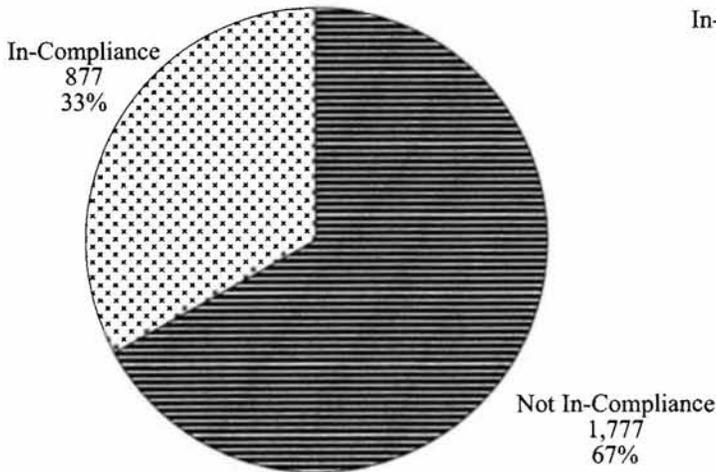
Inspections In-Compliance or With Citations Issued*
(Excluding Followup Inspections)

North Carolina Total



Total 5,149

State Program Average



Total 2,654

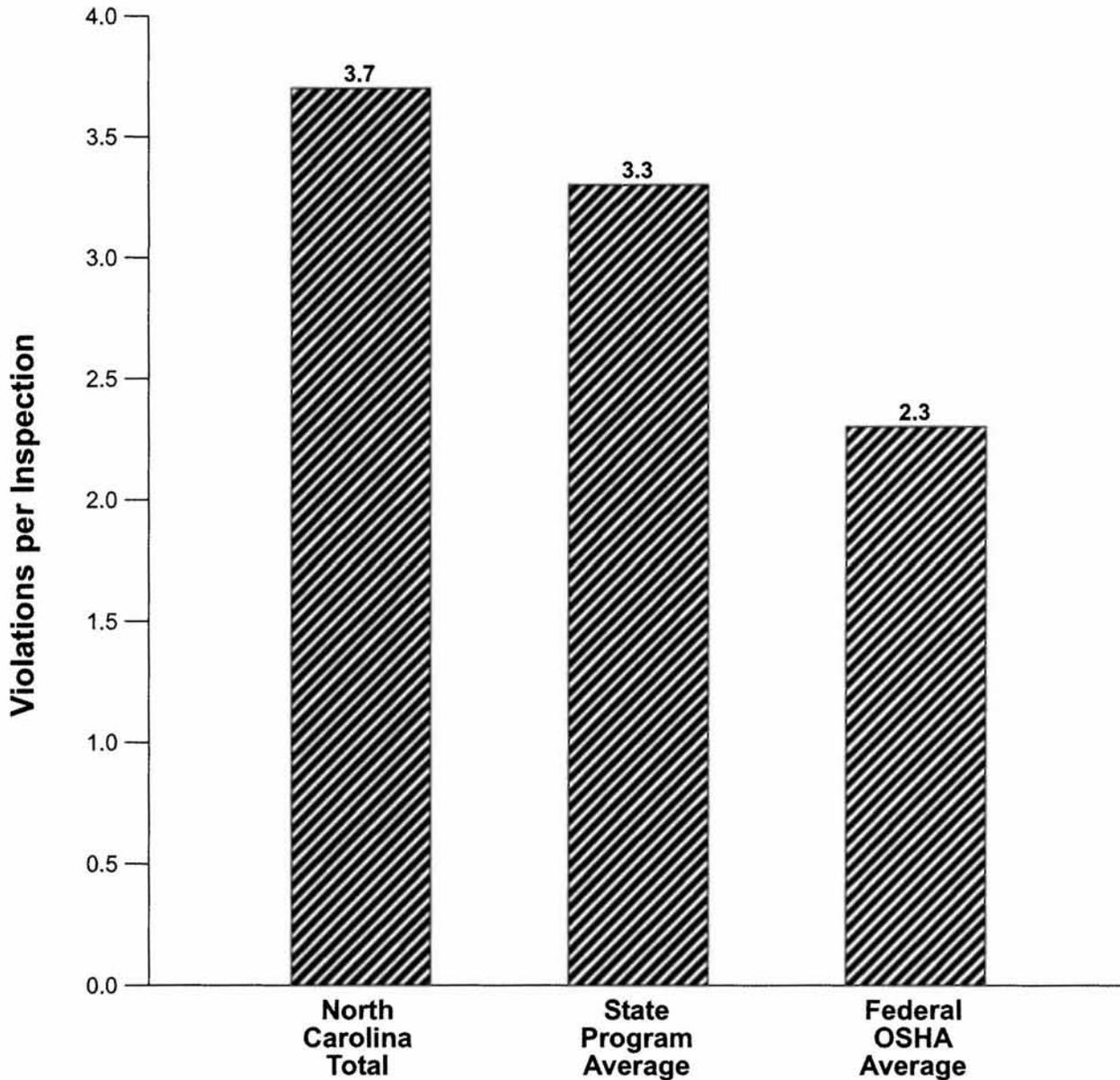
Federal OSHA Average



Total 1,223

*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

Violations per Inspection*
(Excluding Followup Inspections)

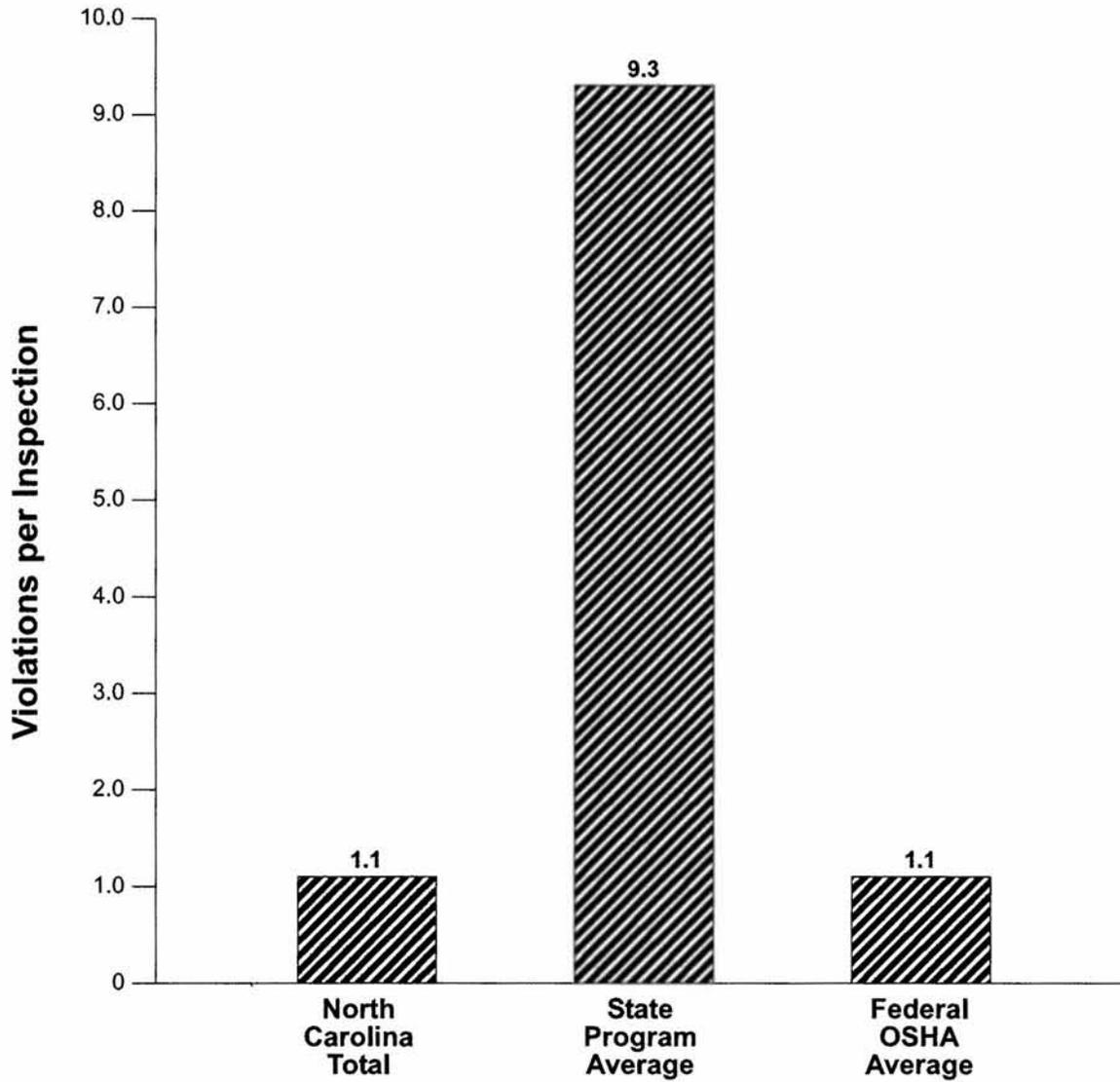


*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

CHART 13

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Violations per Followup Inspection*

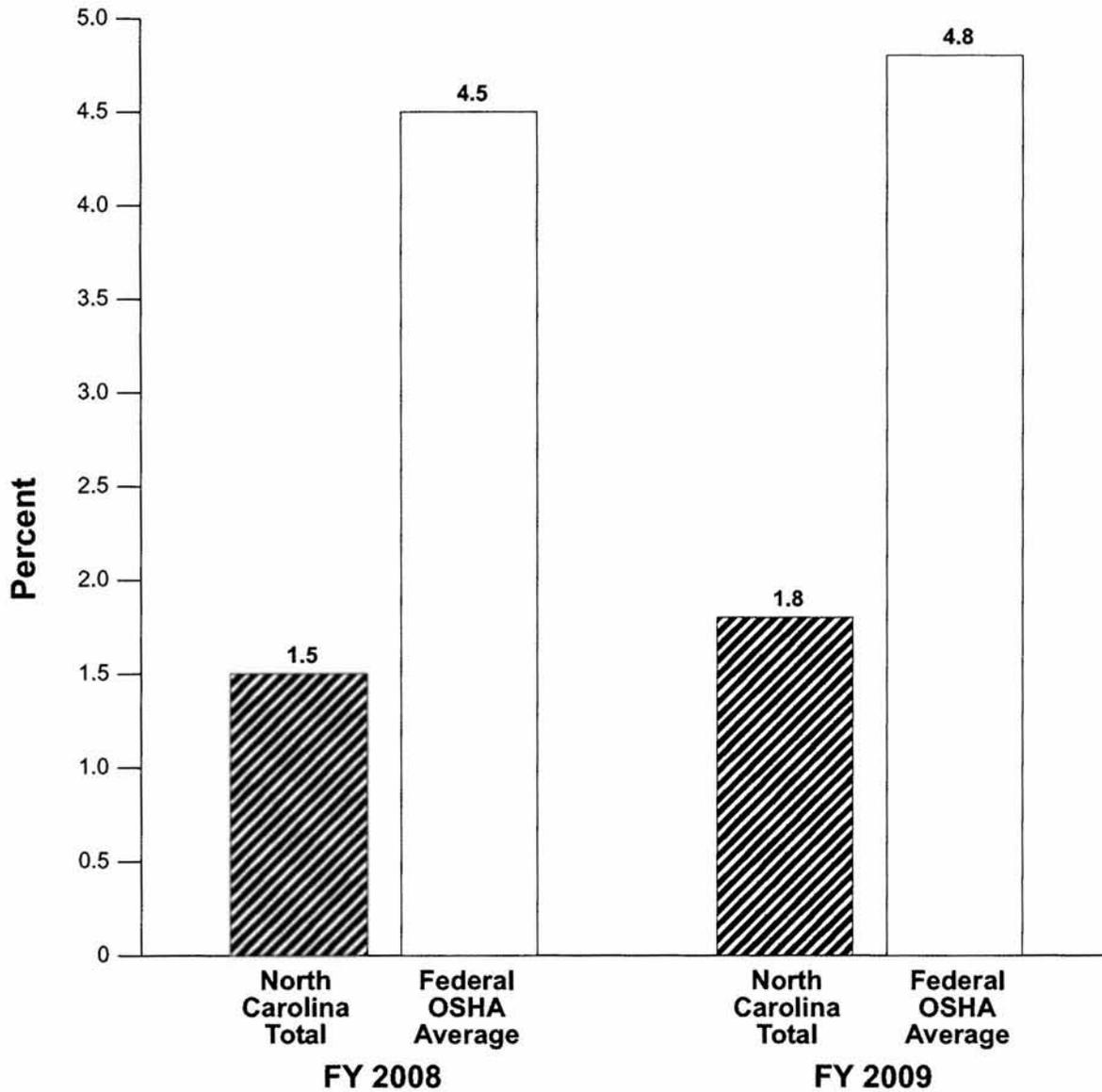


*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

N.C. Department of Labor
Occupational Safety and Health Division
October 2007–September 2009

CHART 14

Violations Reclassified*



*Data from Interim State Indicator Report (SIR), 10-29-09.

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Penalty Series

**N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009**

Penalty Series Highlights

- North Carolina assessed a total of \$3,235,393 in penalties for violations cited in FY 2009, compared to a total of \$2,683,683 assessed by the average state program and \$3,056,367 assessed by the average federal jurisdiction.
- The average penalty per serious violation was \$509 in FY 2009, lower than \$776 in the average state program and lower than \$963 in the average federal jurisdiction.
- North Carolina assessed a total of \$88,956 in penalties for violations cited in the public sector in FY 2009, a 10 percent decrease from \$97,644 assessed in FY 2008.
- In FY 2009, North Carolina retained 71.3 percent of penalties assessed compared to 63.2 percent of penalties assessed by the average federal jurisdiction.

CHART 15

Penalty Assessment, All Types

Comparison	FY 2007		FY 2008		FY 2009	
	Total	Program Average	Total	Program Average	Total	Program Average
North Carolina	\$ 3,037,213	\$3,037,213	\$ 3,483,810	\$3,483,810	\$ 3,235,393	\$3,235,393
State Program**	\$50,271,141	\$2,285,051	\$55,346,249	\$2,515,738	\$59,041,037	\$2,683,683
Federal OSHA*	\$82,873,980	\$2,673,354	\$94,367,204	\$3,044,103	\$94,747,395	\$3,056,367

*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2008**

CHART 16

Penalty Assessment by Violation Type

Comparison	Serious			Nonserious		
	Total	Average	Percent	Total	Average	Percent
North Carolina	\$ 2,667,933	\$2,667,933	83	\$ 73,587	\$ 73,587	2
State Program**	\$42,740,545	\$1,942,752	72	\$7,400,208	\$336,373	13
Federal OSHA*	\$64,967,242	\$2,095,717	69	\$3,920,523	\$126,468	4

Comparison	Repeat			Willful		
	Total	Average	Percent	Total	Average	Percent
North Carolina	\$ 315,873	\$315,873	10	\$ 14,000	\$ 14,000	0
State Program**	\$ 3,594,305	\$163,378	6	\$ 3,466,130	\$157,551	6
Federal OSHA*	\$10,644,402	\$343,368	11	\$13,440,230	\$433,556	14

Comparison	Failure-to-Abate			Unclassified***		
	Total	Average	Percent	Total	Average	Percent
North Carolina	\$ 164,000	\$164,000	5	\$ 0	\$ 0	0
State Program**	\$1,708,349	\$ 77,652	3	\$131,500	\$ 5,977	0
Federal OSHA*	\$1,646,998	\$ 53,129	2	\$128,000	\$ 4,129	0

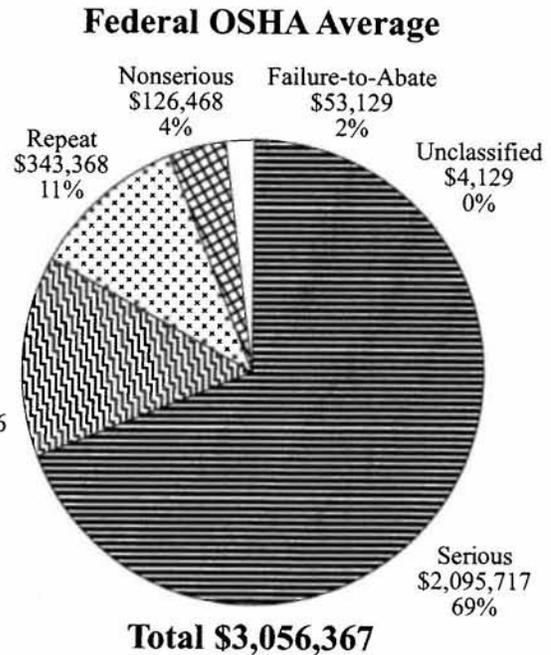
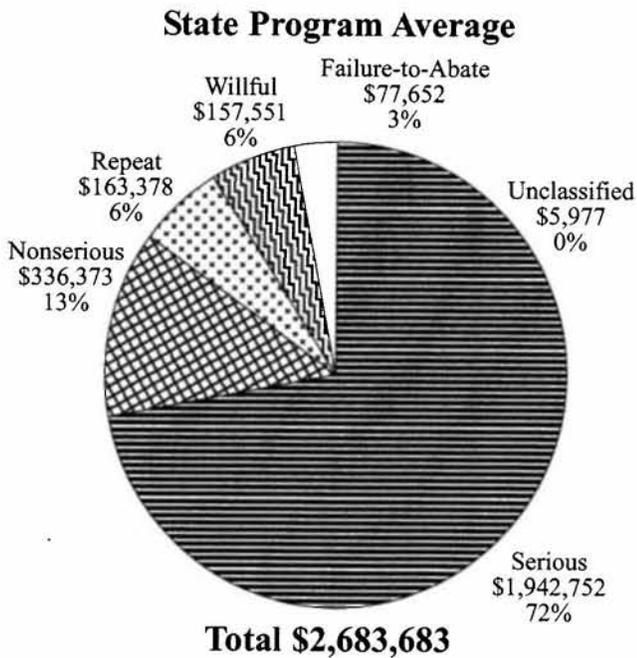
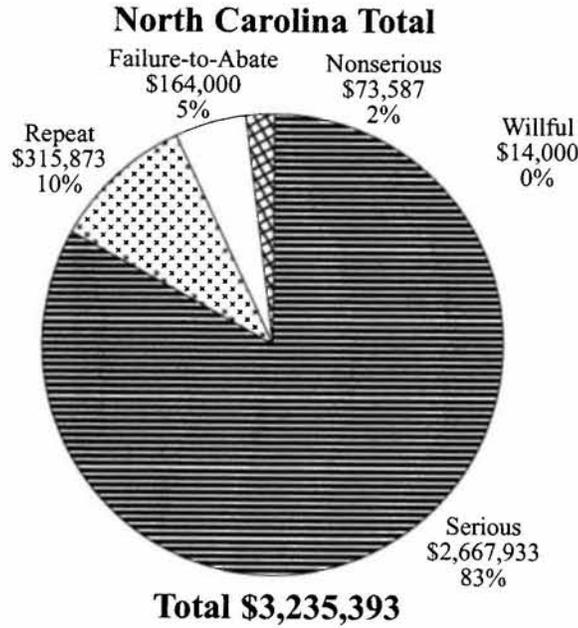
*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

***Unclassified penalties are assessed as part of settlement agreements. North Carolina has not adopted this procedure.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Penalty Assessment by Violation Type*



*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

CHART 18

Penalty Assessment per Violation

Comparison	Serious	Nonserious	Repeat	Willful	Failure-to-Abate	Unclassified***
North Carolina	\$509	\$ 8	\$1,284	\$14,000	\$10,933	\$ 0
State Program**	\$776	\$103	\$1,756	\$19,693	\$ 3,376	\$ 5,977
Federal OSHA*	\$963	\$234	\$3,858	\$33,350	\$ 8,854	\$ 4,129

*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

***Unclassified penalties are assessed as part of settlement agreements. North Carolina has not adopted this procedure.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Penalty Assessment by Violation Type Public Sector*

Comparison	Penalty Assessment (All Types)	
	Total	Average
North Carolina	\$ 88,956	\$ 88,956
State Program***	\$3,538,587	\$160,844
Federal OSHA**	N/A	N/A

Comparison	Serious			Nonserious		
	Total	Average	Percent	Total	Average	Percent
North Carolina	\$ 86,106	\$ 86,106	97	\$ 750	\$ 750	1
State Program***	\$2,240,253	\$101,830	63	\$516,415	\$23,473	15
Federal OSHA**	N/A	N/A	N/A	N/A	N/A	N/A

Comparison	Repeat			Willful		
	Total	Average	Percent	Total	Average	Percent
North Carolina	\$ 2,100	\$2,100	2	\$ 0	\$ 0	0
State Program***	\$217,177	\$9,872	6	\$14,700	\$668	1
Federal OSHA**	N/A	N/A	N/A	N/A	N/A	N/A

Comparison	Failure-to-Abate			Unclassified****		
	Total	Average	Percent	Total	Average	Percent
North Carolina	\$ 0	\$ 0	0	\$ 0	\$ 0	0
State Program***	\$540,792	\$24,581	15	\$9,250	\$420	0
Federal OSHA**	N/A	N/A	N/A	N/A	N/A	N/A

*Penalties were imposed upon North Carolina state agencies effective July 23, 1992, and local government penalties were imposed effective Jan. 1, 1993.

**Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

***State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

****Unclassified penalties are assessed as part of settlement agreements. North Carolina has not adopted this procedure.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

CHART 20

**Penalty Assessment per Violation
Public Sector***

Comparison	Serious	Nonserious	Repeat	Willful	Failure-to-Abate	Unclassified****
North Carolina	\$755	\$ 6	\$1,050	\$ 0	\$ 0	\$0
State Program***	\$218	\$75	\$3,290	\$668	\$2,731	\$0
Federal OSHA**	N/A	N/A	N/A	N/A	N/A	N/A

*Penalties were imposed upon North Carolina state agencies effective July 23, 1992, and local government penalties were imposed effective Jan. 1, 1993.

**Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

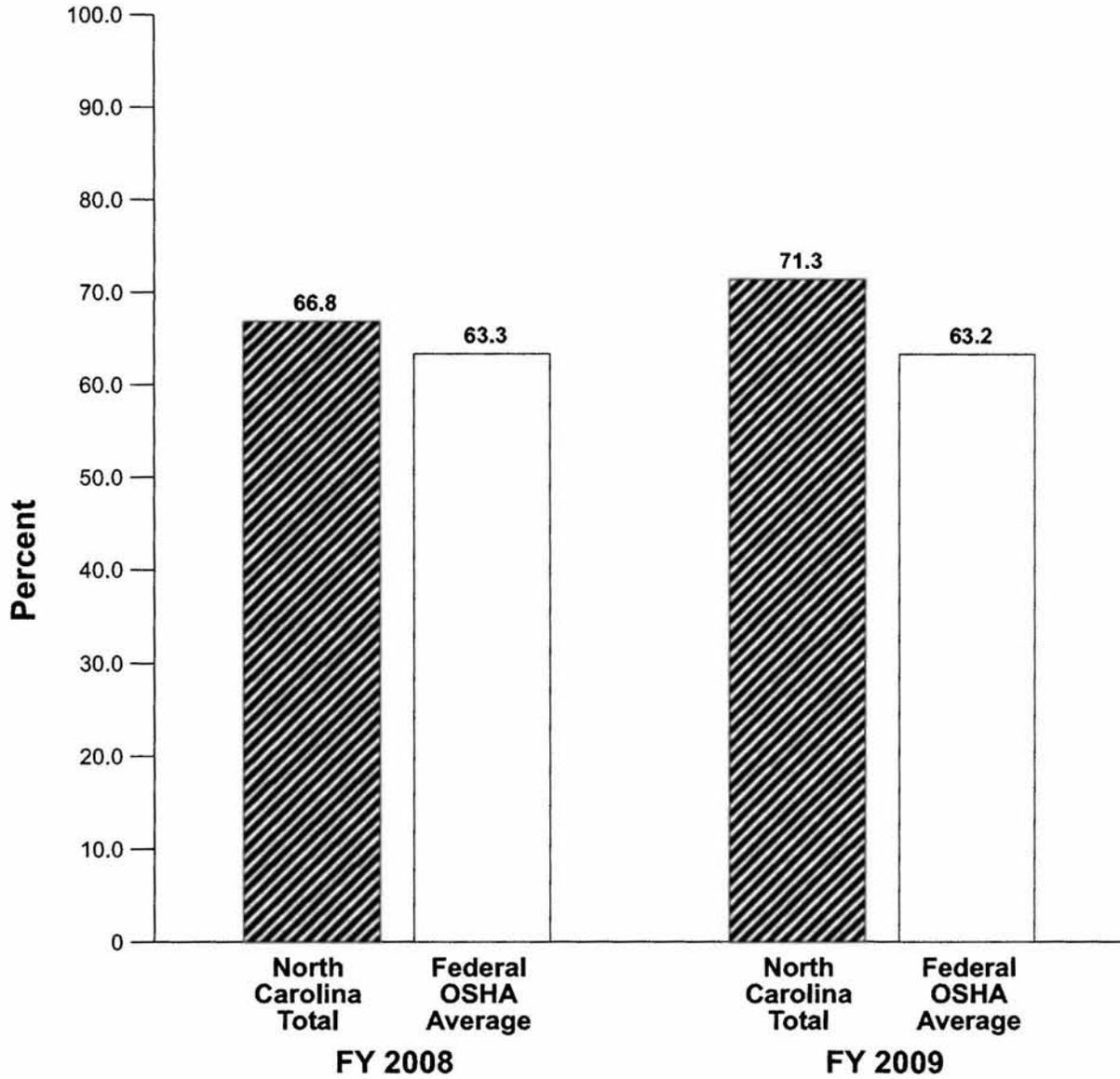
***State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

****Unclassified penalties are assessed as part of settlement agreements. North Carolina has not adopted this procedure.

CHART 21

N.C. Department of Labor
Occupational Safety and Health Division
October 2007–September 2009

Penalty Retention*



*Data from Interim State Indicator Report (SIR), run 10-29-09.

Litigation Series

**N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009**

Litigation Series Highlights

- The number of inspections with citations contested in North Carolina was higher in FY 2009 (114), than in FY 2008 (78). The number of contested cases in the average state program was 233, and the number of contested cases in the average federal jurisdiction was 65.
- The percentage of inspections with citations that were contested in North Carolina was 3.1 percent in FY 2009, higher than the 2.1 percent in FY 2008.
- The percentage of inspections with citations that were contested in the average state program was 14.3 percent in FY 2008 and FY 2009.
- The percentage of inspections with citations that were contested in the average federal jurisdiction was higher in FY 2009 at 7.1 than in FY 2008 at 6.8.

CHART 22

Contested Cases October 2006–September 2009

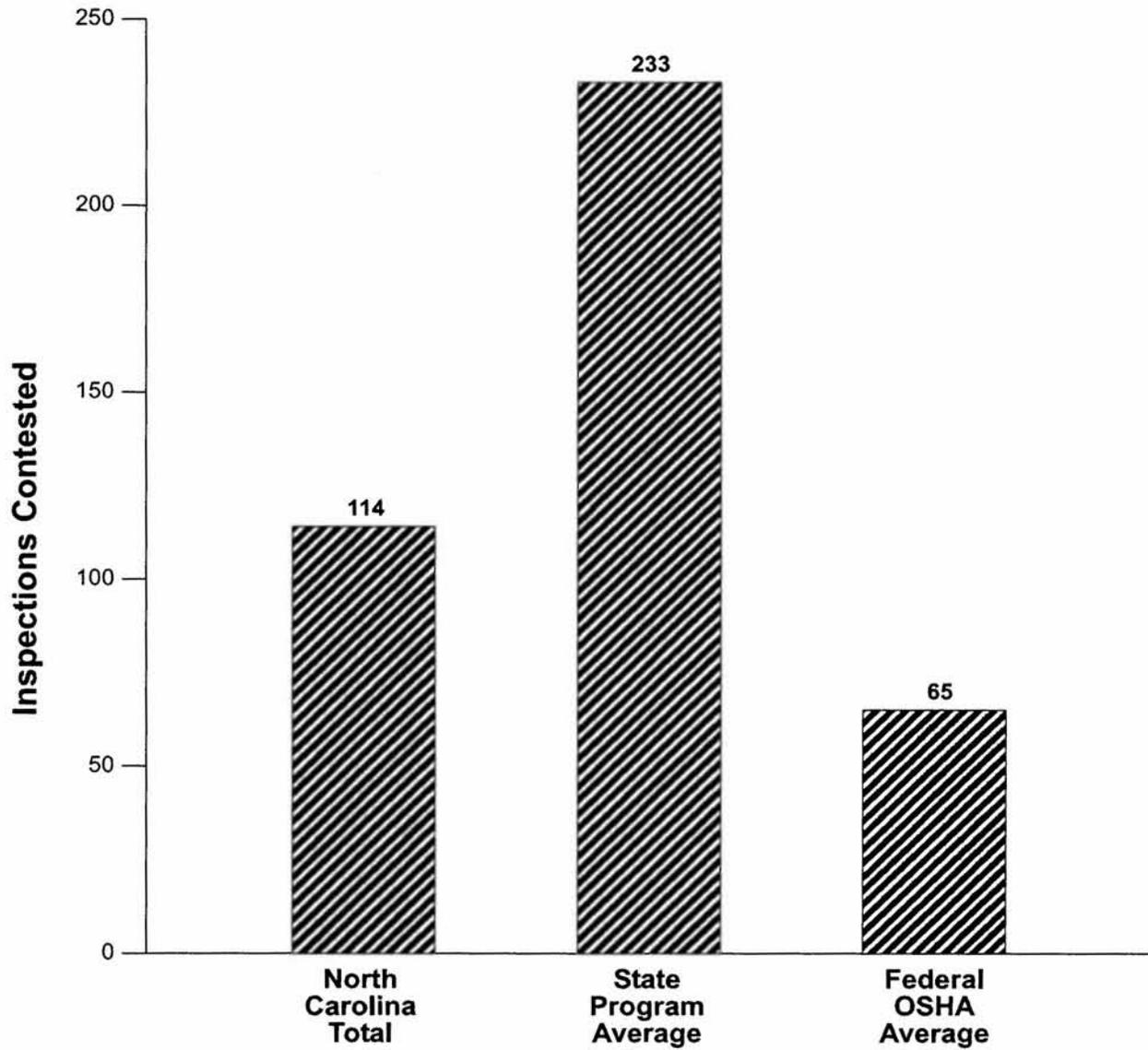
Comparison	FY 2007			FY 2008		
	Inspections Contested Total	Program Average	Percent Inspections With Citations Contested	Inspections Contested Total	Program Average	Percent Inspections With Citations Contested
North Carolina	75	75	2.0	78	78	2.1
State Program**	5,348	243	14.4	5,215	237	14.3
Federal OSHA*	1,946	62	6.8	1,885	60	6.8

Comparison	FY 2009		
	Inspections Contested Total	Program Average	Percent Inspections With Citations Contested
North Carolina	114	114	3.1
State Program**	5,132	233	13.1
Federal OSHA*	2,018	65	7.1

*Federal OSHA represents the 31 jurisdictions (29 states plus the District of Columbia and the Virgin Islands) that have federally administered occupational safety and health programs.

**State program represents the 22 jurisdictions (21 states and Puerto Rico) that have state-administered occupational safety and health programs.

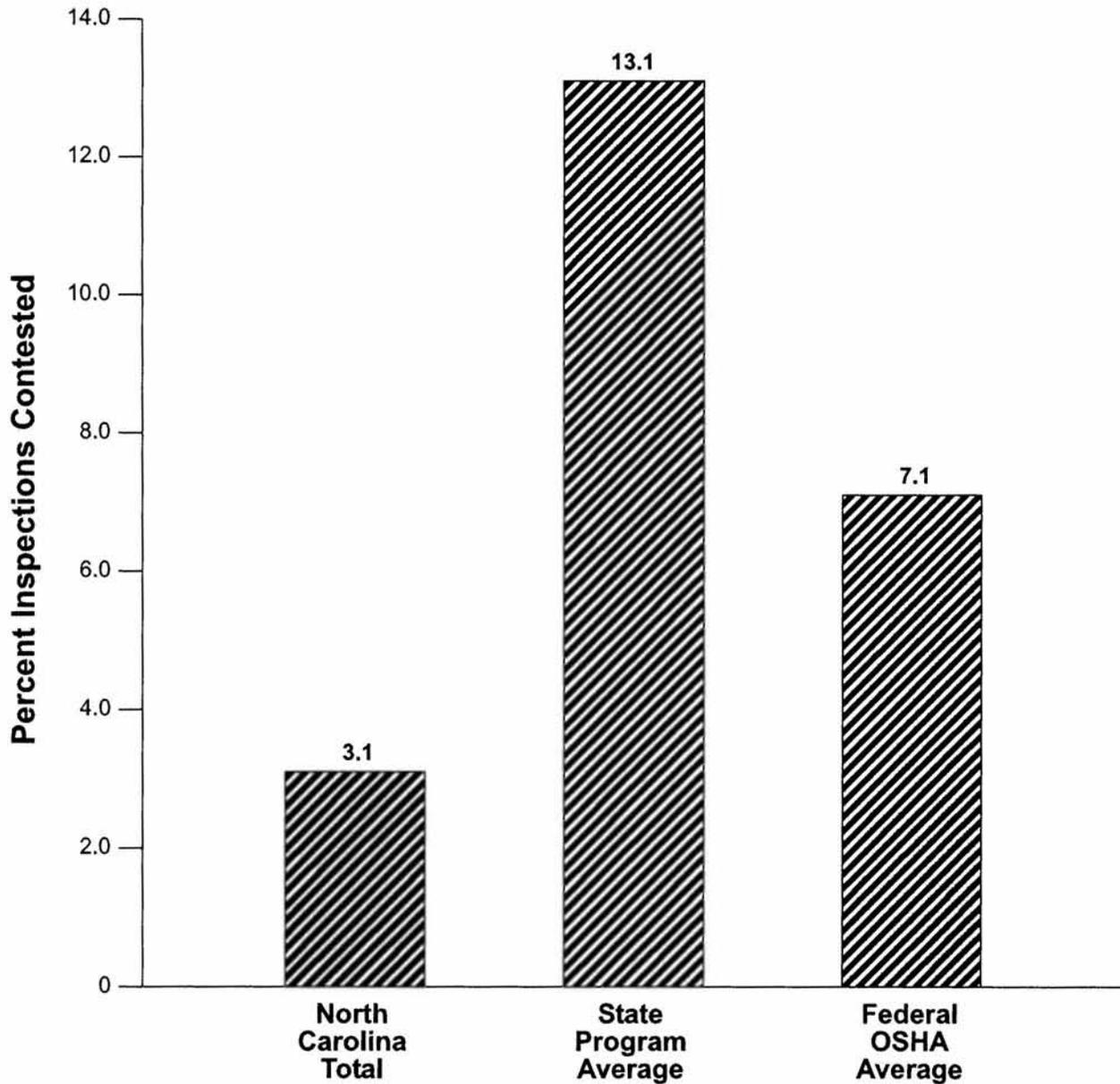
Number of Inspections Contested*



*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Percent of Inspections With Citations Contested*



*Data from an IMIS micro-to-host report, "Inspection Report," run 1-11-10.

**Occupational Injury and Illness
Incident Rates**

**N.C. Department of Labor
Occupational Safety and Health Division
Calendar Years 2001–2008**

Total Case Rates*
Occupational Injuries and Illnesses by Industry
A Comparison Between North Carolina and the United States**

Industry	2001		2002		2003		2004	
	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.
Private Sector	5.7	5.0	5.0	4.0	5.3	4.0	4.8	4.1
Agriculture, Forestry and Fishing	7.3	6.2	6.2	4.6	6.4	4.6	6.4	6.7
Mining	4.0	3.3	3.3	2.5	4.0	2.5	3.8	2.5
Construction	7.9	6.8	6.8	4.7	7.1	4.7	6.4	4.4
Manufacturing	8.1	6.8	6.8	5.4	7.2	5.4	6.6	5.3
Transportation	6.9	5.5	5.5	4.7	6.1	4.7	5.5	4.8
Wholesale Trade	5.3	4.7	4.7	3.9	5.2	3.9	4.5	4.1
Retail Trade	5.7	5.3	5.3	4.0	5.3	4.0	5.3	4.6
Finance, Insurance and Real Estate	1.8	1.7	1.7	1.1	1.7	1.1	1.6	1.3
Services	4.6	4.4	4.4	3.3	4.6	3.3	4.2	3.6
State and Local Government (Public Sector)	N/A	N/A	N/A	5.1	N/A	5.1	N/A	4.9

Industry	2005		2006		2007		2008	
	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.
Private Sector	4.6	4.0	4.4	4.0	4.2	3.7	3.9	3.4
Agriculture, Forestry and Fishing	6.1	7.6	6.0	6.1	5.4	6.4	5.3	4.5
Mining	3.6	2.7	3.5	2.3	3.1	2.1	2.9	2.4
Construction	6.3	4.6	5.9	4.9	5.4	4.0	4.7	3.7
Manufacturing	6.3	5.1	6.0	5.1	5.6	4.4	5.0	4.2
Transportation	5.2	4.6	5.0	4.6	4.9	4.1	4.4	3.7
Wholesale Trade	4.5	3.8	4.1	3.7	4.0	3.0	3.7	2.8
Retail Trade	5.0	4.6	4.9	4.3	4.8	4.3	4.4	3.8
Finance, Insurance and Real Estate	1.7	1.3	1.5	1.3	1.4	1.6	1.5	.08
Services	4.1	3.6	3.9	3.5	3.8	3.4	3.6	3.1
State and Local Government (Public Sector)	N/A	4.7	N/A	4.7	N/A	4.3	N/A	4.7

*Total Case Rates represent the number of recordable injuries and illnesses per 100 full-time employees.

**U.S. data are from the USDOL Bureau of Labor Statistics' *Survey of Occupational Injuries and Illnesses*, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. N.C. data are from the NCDOL Research and Policy Division, Safety and Health Survey Section's *Injuries and Illnesses in North Carolina*, conducted as part of the Bureau of Labor Statistics' survey, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

**N.C. Department of Labor
Occupational Safety and Health Division
Calendar Years 2001–2008**

CHART 26

**Lost Workday Case Rates* by Industry
A Comparison Between North Carolina and the United States****

Industry	2001		2002		2003		2004	
	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.
Private Sector	2.8	2.2	2.8	2.2	2.6	2.0	2.5	2.0
Agriculture, Forestry and Fishing	3.6	2.2	3.3	1.2	3.3	2.0	3.7	3.4
Mining	2.4	1.5	2.6	1.5	2.0	1.9	2.3	1.7
Construction	4.0	3.1	3.8	2.3	3.6	2.6	3.4	2.5
Manufacturing	4.1	3.1	4.1	2.9	3.8	2.8	3.6	2.9
Transportation	4.3	3.0	4.0	2.9	3.2	2.5	3.1	2.7
Wholesale Trade	2.8	2.4	3.1	2.5	2.8	1.8	2.7	2.7
Retail Trade	2.4	1.7	2.5	2.1	2.7	2.1	2.7	2.1
Finance, Insurance and Real Estate	0.7	0.4	0.8	0.5	0.8	0.5	0.7	0.6
Services	2.2	1.6	2.2	1.7	2.3	1.7	2.2	1.7
State and Local Government (Public Sector)	N/A	2.3	N/A	2.4	N/A	2.3	N/A	2.3

Industry	2005		2006		2007		2008	
	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.	U.S.	N.C.
Private Sector	2.4	2.1	2.3	2.0	2.1	1.9	2.0	1.7
Agriculture, Forestry and Fishing	3.3	4.5	3.2	3.2	2.8	3.1	2.9	2.3
Mining	2.2	1.5	2.1	1.5	2.0	1.2	2.0	1.3
Construction	3.4	2.5	3.2	2.8	2.8	2.4	2.5	2.3
Manufacturing	3.5	2.8	3.3	2.8	3.0	2.4	2.7	2.3
Transportation	3.0	2.7	2.9	2.7	2.8	2.3	2.6	2.0
Wholesale Trade	2.7	2.2	2.5	2.3	2.4	1.7	2.2	1.3
Retail Trade	2.6	2.6	2.6	2.2	2.5	2.3	2.3	1.9
Finance, Insurance and Real Estate	0.8	0.6	0.7	0.3	.7	1.0	1.5	0.5
Services	2.1	1.8	2.0	1.7	1.9	1.7	1.8	1.4
State and Local Government (Public Sector)	N/A	2.3	N/A	2.1	N/A	1.9	N/A	2.2

*Lost Workday Case Rates represent those cases that involved one or more days an employee is away from work or limited to restricted work activity due to an occupational injury or illness. The rate is calculated per 100 full-time employees.

**U.S. data are from the USDOL Bureau of Labor Statistics' *Survey of Occupational Injuries and Illnesses*, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008. N.C. data are from the NCDOL Research and Policy Division, Safety and Health Survey Section's *Injuries and Illnesses in North Carolina*, conducted as part of the Bureau of Labor Statistics' survey, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

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State Demographic Profile

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Introduction

The purpose of the Occupational Safety and Health Act of North Carolina is “to assure so far as possible every working man and woman in the State of North Carolina safe and healthful working conditions and to preserve our human resources.” The state’s Five Year Strategic Plan is designated to promote the achievement of this purpose through the specific goals and objectives established by the NCDOL Occupational Safety and Health Division and its employees.

The division has established two primary strategic goals as part of the Five Year Strategic Plan. Goal One is to reduce the rate of workplace fatalities by 5 percent by the end of FY 2013. Goal Two is to reduce the rate of workplace injuries and illnesses by 15 percent by the end of FY 2013.

From these two broad strategic goals, specific areas of emphasis and outcome goals are included in the Strategic Plan. These areas of emphasis include comparisons of the number of employees and establishments covered by the North Carolina occupational safety and health program as presented in Text Tables 4, 5 and 6, respectively.

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Text Table 4
State Demographic Profile
Private Sector

Private Sector	NAICS	SIC	Establishments*	Employees*
Construction	23	15-17	27,813	191,509
Manufacturing	31-33	20-39	10,305	439,440
Transportation	48-49	40-59	6,195	123,736
Wholesale and Retail Trade	42-45	50-59	51,160	607,214
Finance, Insurance and Real Estate	51-53	60-67	27,181	267,790
Services	54-81	70-89	106,589	1,859,045
All Other			18,934	60,849
Total Private Sector			248,177	3,549,583

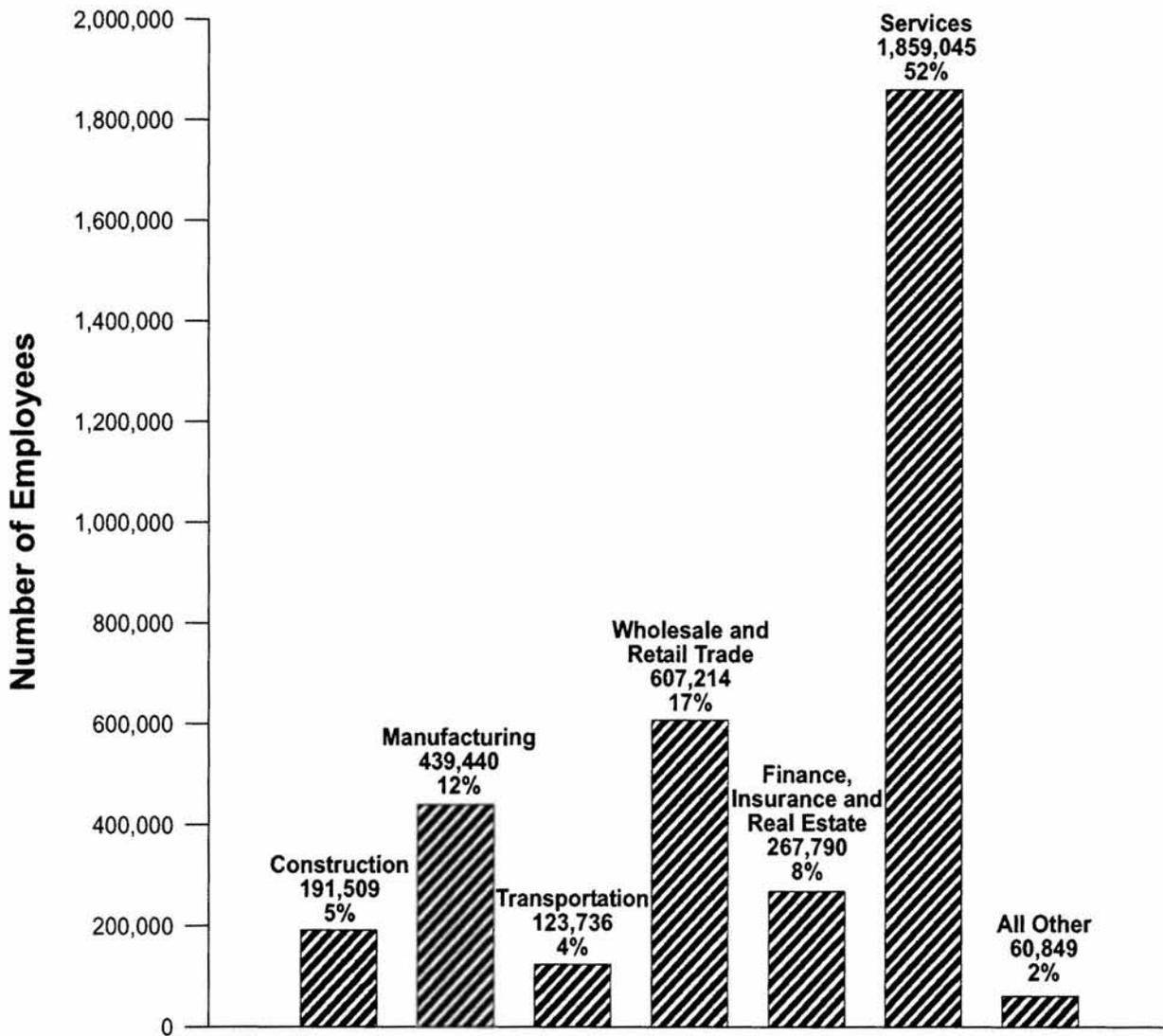
Text Table 5
State Demographic Profile
Public Sector

Public Sector	Establishments*	Employees*
State	1,642	176,886
Local	4,435	402,133
Total Public Sector	6,077	579,019

*Source: *Employment and Wages in North Carolina*, Employment Security Commission, N.C. Department of Commerce, Third Quarter 2009.

N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009

Text Table 6
State Demographic Profile
By Private Sector Employees*



*Source: *Employment and Wages in North Carolina*, Employment Security Commission, N.C. Department of Commerce, Third Quarter 2009.

**North Carolina Top 25
Most Frequently Cited
“Serious” Violations**

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Top 25 Most Frequently Cited “Serious” Violations Construction Standards*

Standard Violated	Total Violations	Serious Violations	Serious Percent	Willful Violations	Repeat Violations	Other Violations	Brief Description
1926.20(b)(2)	337	287	85%	0	12	38	General safety and health provisions—Accident prevention—Frequent and regular inspections
1926.501(b)(13)	285	252	89%	0	27	6	Fall protection—Residential construction—Employees protected 6 feet or more above lower level
1926.102(a)(1)	204	178	87%	0	7	19	PPE—Eye and face protection—General requirements
1926.1053(b)(1)	189	174	92%	0	2	13	Ladders—Must extend 3 feet above landing or be properly secured to access upper landing
1926.501(b)(1)	167	155	93%	0	6	6	Fall protection—Unprotected sides and edges—Employees protected 6 feet or more above lower level
1926.501(b)(11)	136	126	92%	0	9	1	Fall protection—Steep roofs—Employees protected 6 feet or more above lower level
1926.100(a)	127	108	85%	0	6	13	PPE—Head protection—General requirement
1926.503(a)(1)	113	101	89%	0	2	10	Fall protection—Training program
1926.451(e)(1)	104	98	94%	0	2	4	Scaffolds—Access by various means
1926.451(g)(4)(i)	94	84	89%	0	9	1	Scaffolds—Guardrail systems—Installed on open sides and ends of platforms
1926.21(b)(2)	94	81	86%	0	0	13	Safety training and education—Instruction to avoid unsafe conditions
1926.20(b)(1)	85	78	92%	0	1	6	General safety and health provisions—Accident prevention program
1926.454(a)	79	71	90%	0	2	6	Scaffold—Training—Hazard recognition for type of scaffold in use
1926.503(b)(1)	96	67	70%	0	2	27	Fall protection—Certification of training
1926.451(g)(1)(vii)	70	65	93%	0	2	3	Scaffolds—Fall protection—Employees protected by personal fall arrest/guardrail system
1926.453(b)(2)(v)	63	60	95%	0	0	3	Scaffolds—Aerial lifts—Extensible and articulating boom platforms—Body belts and lanyards worn/used
1926.501(b)(10)	62	55	89%	0	4	3	Fall protection—Low slope roofs—Employees protected 6 feet or more above lower level
1926.451(f)(7)	55	51	93%	0	1	3	Scaffolds—Use—Erected, moved, dismantled or altered under supervision of competent person
1926.1053(b)(13)	51	50	98%	0	0	1	Ladders—Use—Top step used as a step
1926.1060(a)	53	47	89%	0	0	6	Stairways and ladders—Training program
1926.652(a)(1)	50	45	90%	0	2	3	Excavations—Protection of persons in excavations
1926.451(b)(1)(i)	47	44	94%	0	2	1	Scaffolds—Platform construction—Platform unit installation
1926.451(b)(1)	44	42	96%	0	1	1	Scaffolds—Platform construction—Fully decked and planked
1926.451(g)(1)	44	42	96%	0	0	2	Scaffolds—Fall protection—Employees protected 10 feet or more above lower level
1926.503(c)(3)	42	39	93%	0	0	3	Fall protection—Retraining when employee inadequacies in knowledge or use identified

*Data from an IMIS micro-to-host report, “Freq. Violated Stds. Report,” run 1-11-10.

N.C. Department of Labor
Occupational Safety and Health Division
 October 2008–September 2009

CHART 28

Top 25 Most Frequently Cited “Serious” Violations General Industry Standards*

Standard Violated	Total Violations	Serious Violations	Serious Percent	Willful Violations	Repeat Violations	Other Violations	Brief Description
1910.212(a)(1)	238	205	86%	0	7	26	Machine guarding—General requirements
1910.215(b)(9)	265	192	73%	0	3	70	Machine guarding—Abrasive wheel machinery—Exposure adjustment
1910.215(a)(4)	209	138	66%	0	2	69	Machine guarding—Abrasive wheel machinery—Work rests
1910.151(c)	160	122	76%	0	3	35	Medical and first aid—Eyewash and emergency showers
NCGS 95-129(1)	108	105	97%	0	2	1	General Duty Clause
1910.304(g)(5)	215	102	48%	0	13	100	Electrical—Grounding—Path to ground
1910.133(a)(1)	102	83	81%	0	0	19	Eye and face protection—General requirements
1910.305(b)(1)(ii)	191	74	39%	0	2	115	Electrical cabinets, boxes and fittings—Unused openings effectively closed
1910.23(c)(1)	111	73	66%	0	1	37	Walking and working surfaces—Protect open sided floors, platforms and runways
1910.212(a)(3)(ii)	71	62	87%	0	1	8	Machine guarding—Point of operation guarding
1910.147(c)(4)(i)	67	57	85%	0	1	9	Lockout/tagout—Energy control procedures
1910.132(a)	62	47	76%	0	1	14	Personal protective equipment—General requirements—Provided when necessary
1910.1200(e)(1)	430	45	10%	0	3	382	Hazard communication—Written program
1910.212(b)	148	45	31%	0	1	101	Machine guarding—Fixed machinery—Anchored to prevent moving/walking
1910.147(c)(1)	65	45	69%	0	1	19	Lockout/tagout—Energy control program
1910.219(d)(1)	41	39	95%	0	0	2	Machine guarding—Pulleys—Guarded within 7 feet or less of floor
1910.242(b)	110	38	35%	0	1	71	Hand and portable power tools—Compressed air for cleaning—Chip guard and PPE with pressure reduced to 30 psi
1910.178(l)(1)	67	38	57%	0	0	29	Powered industrial trucks—Operator training—Ensure operator competency
1910.132(d)(1)	81	37	46%	0	0	44	Personal protective equipment—Hazard assessment
1910.1200(h)(1)	178	35	20%	0	2	141	Hazard communication—Training
1910.305(b)(2)(i)	102	33	32%	0	1	68	Electrical—Covers and canopies—Pull and junction boxes and fittings with approved covers
1910.147(c)(6)(i)	77	31	40%	0	1	45	Lockout/tagout—Periodic inspection
1910.305(g)(2)(iii)	196	28	14%	0	2	166	Electrical—Flexible cords and cables—Strain relief
1910.178(q)(7)	102	28	27%	0	0	74	Powered industrial trucks—Maintenance
1910.147(c)(4)(ii)	55	26	47%	0	0	29	Lockout/tagout—Energy control procedure—Clear and outlines scope, purpose and authorizations

*Data from an IMIS micro-to-host report, “Freq. Violated Stds. Report,” run 1-11-10.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Top 10 Most Frequently Cited “Serious” Violations Public Sector*

Standard Violated	Total Violations	Serious Violations	Serious Percent	Willful Violations	Repeat Violations	Other Violations	Brief Description
1910.151(c)	8	8	100%	0	0	0	Medical and first aid—Eyewash and emergency showers
NCGS 95-129(1)	7	7	100%	0	0	0	General Duty Clause
1910.133(a)(1)	6	5	83%	0	0	1	Eye and face protection—General requirements
1910.304(g)(5)	6	4	67%	0	0	2	Electrical—Grounding—Path to ground
1910.305(b)(1)(ii)	5	4	80%	0	0	1	Electrical—Cabinets, boxes and fittings—Unused openings effectively closed
1910.212(a)(1)	4	4	100%	0	0	0	Machine guarding—General requirements
1910.303(b)(1)(ii)	4	4	100%	0	0	0	Electrical—General—Examination, installation and use—Mechanical strength and durability
1910.23(c)(1)	5	3	60%	0	0	2	Walking/working surfaces—Open sided floors/platforms 4 feet or more above adjacent ground require standard railings
1910.132(d)(1)	4	3	75%	0	0	1	Personal protective equipment—Hazard assessment
1910.134(c)(1)	4	3	75%	0	0	1	Personal protective equipment—Respiratory protection—Written program

*Data from an IMIS micro-to-host report, “Freq. Violated Stds. Report,” run 1-11-10.

Consultation Series

**N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009**

Consultation Series Highlights

- The Consultative Services Bureau conducted 1,186 total consultative visits in FY 2009:
 - 783 (66%) safety visits and 403 (34%) health visits.
 - 1,040 (88%) initial visits, 70 (6%) training assistance visits and 76 (6%) followup visits.
 - 989 (83%) private sector visits and 197 (17%) public sector visits.
 - 345 (29%) manufacturing visits, 269 (23%) construction visits, 375 (31%) other type visits and 197 (17%) public sector visits.
- Hazards identified and eliminated as a result of consultative visits totaled 7,517 in FY 2009, higher than in FY 2008 (7,074) and in FY 2007 (7,463).
- Of the identified hazards, 6,030 (80%) were serious hazards and 1,487 (20%) were other-than-serious hazards.
- In FY 2009 consultants also conducted 763 safety and health interventions, which included speeches, training programs, program assistance, interpretations, conference/seminars, outreach and other interventions.
- The Safety Awards Program celebrated its 63rd year with another successful season. The Gold Award was presented to employer sites with a total lost workday case rate (lost and restricted workdays included) at least 50 percent below the state average. The Silver Award went to employer sites with a lost workday rate at least 50 percent below the state average. Thirty-one safety award banquets were held—with a total of 3,100 in attendance. There were a total of 2,715 annual safety awards applications, of those 2,342 qualified for awards: 2,027 Gold Awards and 315 Silver Awards. A total of 71 Million-Hour Safety Awards were distributed in FY 2009. The very first 50th year plaque was presented during this safety award season.
- The recognition programs enjoyed another year of growth and success. Thirteen new Star sites were recognized, 25 Star sites were recertified, and 85 first time Star interventions were conducted. There are currently a total of 119 companies in the Star programs.
- During FY 2009 the recognition programs, while managed by the Consultative Services Bureau, continue to utilize resources provided by the Compliance Bureau for on-site evaluations with Compliance and Education, Training and Technical Assistance helping to promote participation in the recognition programs.
- The bureau continues to reach small employers and encourage participation in the Safety and Health Achievement Recognition Program (SHARP). In FY 2009 the bureau recognized 54 SHARP-related worksites. There are currently 87 SHARP-related worksites.

**N.C. Department of Labor
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Carolina Star Program

The Carolina Star Program encourages employers and employees in their efforts to reduce hazards, institute new programs and perfect existing programs for providing safe and healthy working conditions. The Carolina Star Program is the state's most prestigious way to provide official recognition of excellent safety and health programs, assistance to employers in their efforts to reach that level of excellence, and the benefits of a cooperative approach to resolve potential safety and health problems. Not only do Star sites affect major industry in the state, these sites are mentors and help all businesses of all sizes in improving their safety and health programs. During FY 2009 the following companies were awarded the Carolina Star, Rising Star, Building Star, or Public Sector Star status or were recertified.

Star Site Name and Location	Site Approval Date	Recertification Date
Yonkers Industries Inc.	Oct. 16, 2008	
John Deere Turf Care	Nov. 18, 2008	
Syngenta Crop Protection Inc.	Nov. 18, 2008	
Nucor Steel		Jan. 6, 2009
Georgia-Pacific Corp.—Dudley Chip-N-Saw		Jan. 6, 2009
International Paper Co.—Shorewood Packaging		Feb. 12, 2009
Hospira Inc.	Feb. 12, 2009	
Monteith Construction Corp.	April 1, 2009	
The Wackenhut Corp.		April 1, 2009
Security Forces Inc.		April 1, 2009
Mundy Industrial Contractors		April 1, 2009
Gilead Sciences Inc.	April 15, 2009	
PCS Phosphate Company Inc.—Aurora Division (Provisional)		April 28, 2009
Bimbo Bakeries USA Inc. (Formerly George Weston Bakeries)		April 28, 2009
Metal Tech of Murfreesboro—Murfreesboro, N.C.	April 28, 2009	
Regulator Marine Inc.	May 19, 2009	
Energizer Battery Manufacturing Inc. (Plant #1)		May 19, 2009
Glen Raven Technical Fabrics—Finishing Facility (Provisional)		May 19, 2009
City of Mount Airy		May 19, 2009
Davidson County (Provisional)		May 12, 2009
N.C. Department of Agriculture and Consumer Services— Standards Division—Lab Section	July 13, 2009	
The Sherwin-Williams Co.—Aerosol Division, Howard Street Facility	July 13, 2009	
Performance Fibers Operations Inc.		July 13, 2009
West Fraser Inc.—Armour Lumber Mill		July 13, 2009
International Paper Co.—Snow Hill Chip Mill		July 13, 2009
Clean Harbors Environmental Services		July 13, 2009
Progress Energy Carolinas—Energy Information Center		July 29, 2009
Mundy Maintenance and Services Inc.—Invista/Fortron Site		July 30, 2009
North American Energy Services—Roanoke Valley Energy		July 30, 2009
Samet Corp.		Aug. 31, 2009
Berry Plastics Corp.	Aug. 31, 2009	
Person County—Public Works Department		Sept. 10, 2009
Glen Raven Custom Fabrics—Plant #1		Sept. 10, 2009
The Sherwin-Williams Co.—Chemical Coatings Factory (Promotion)		Sept. 10, 2009
E.J. Pope d.b.a. Pope Transport	Sept. 30, 2009	
Preformed Line Products Inc. (Promotion)	Sept. 30, 2009	
Jelliff Corp.—LGM Division		Sept. 30, 2009

**N.C. Department of Labor
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Total Visits by Category

Category	FY 2007	FY 2008	FY 2009
Safety	749	774	783
Health	389	384	403
Total	1,138	1,158	1,186

Total Visits by Type

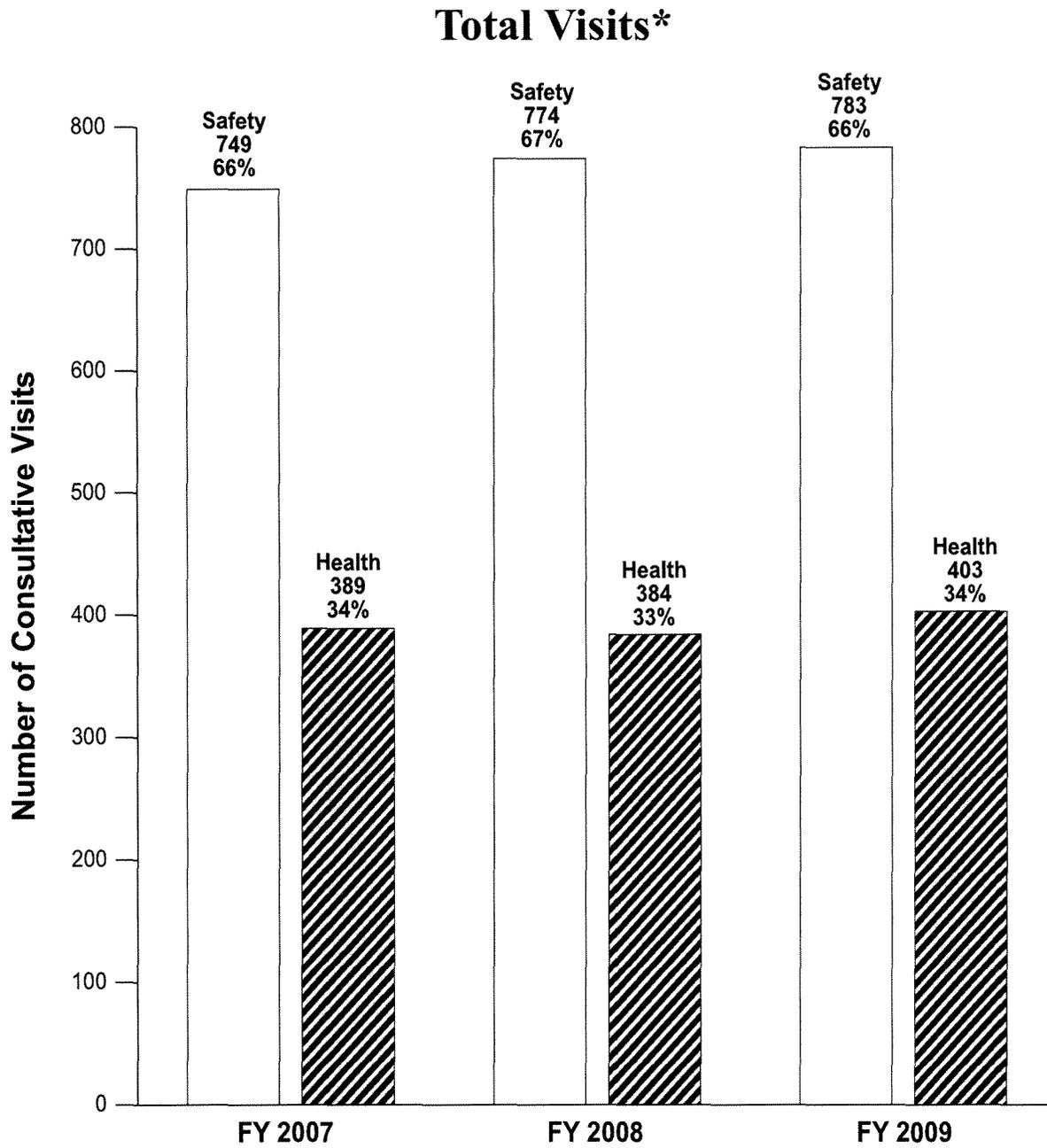
Type	FY 2007	FY 2008	FY 2009
Initial	959	994	1,041
Training and Assistance	88	102	69
Followup	91	62	76
Total	1,138	1,158	1,186

Total Visits by Industry Type

Industry	FY 2007	FY 2008	FY 2009
Manufacturing	291	366	345
Construction	306	322	269
Other	335	279	375
Public Sector	206	191	197
Total	1,138	1,158	1,186

N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009

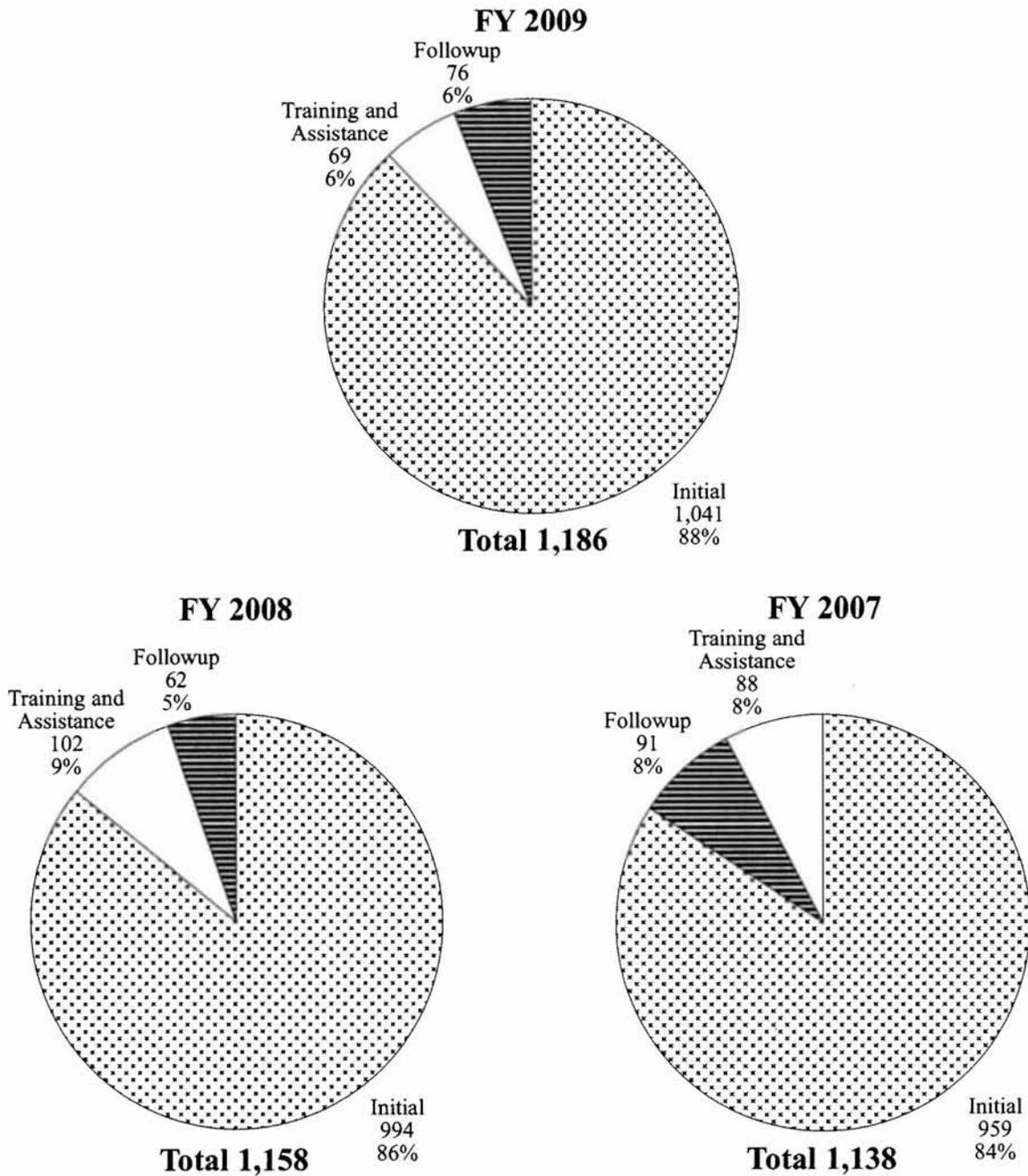
CHART 31



*FY 2009 data from IMIS internal reports prepared 12-15-09.

N.C. Department of Labor
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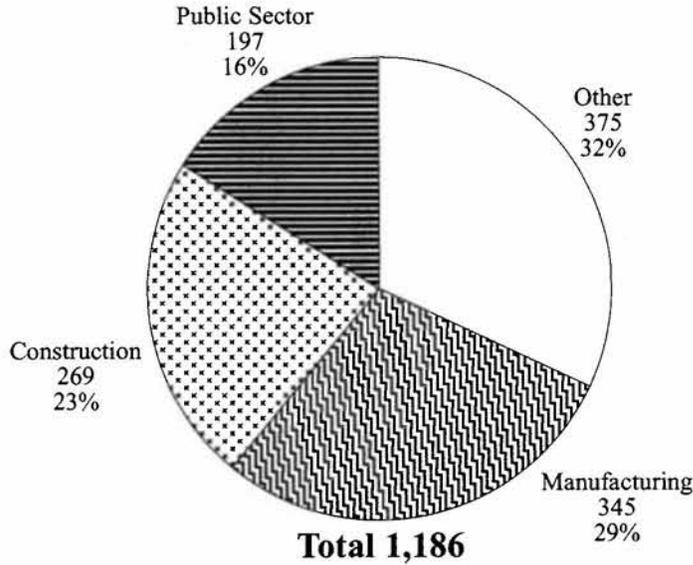
Total Traditional Visits by Type*



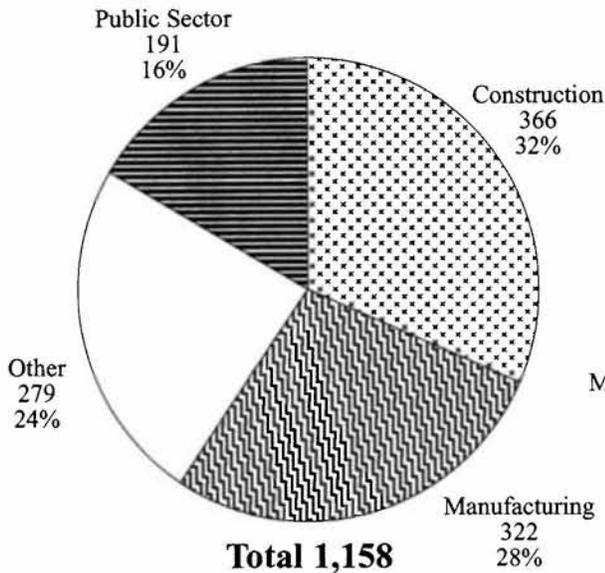
*FY 2009 data from IMIS internal reports prepared 12-15-09.

Total Traditional Visits by Industry*

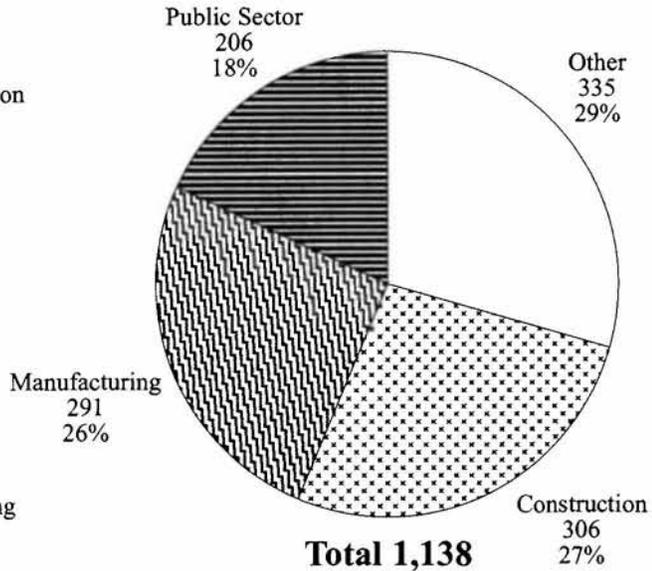
FY 2009



FY 2008



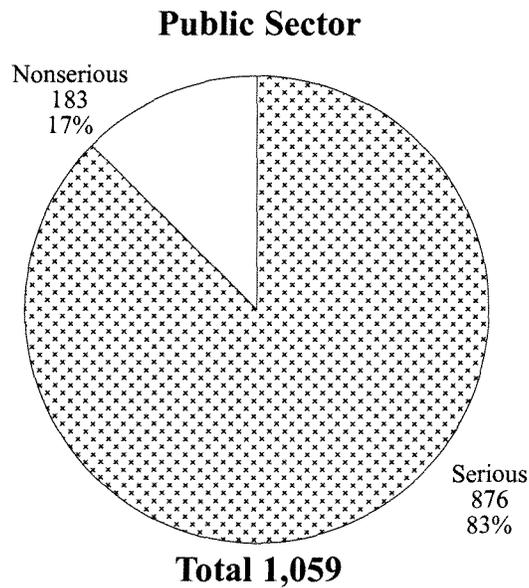
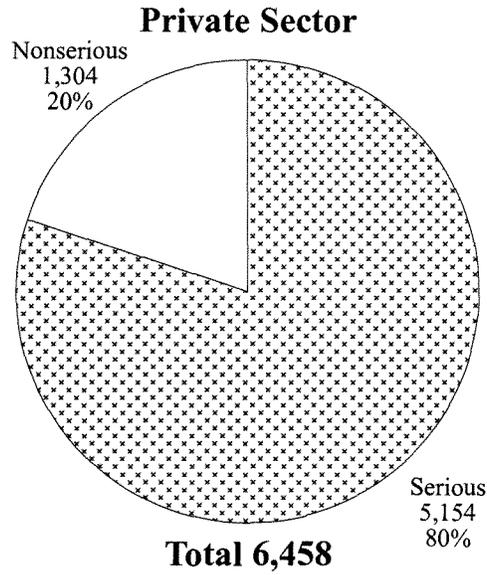
FY 2007



*FY 2009 data from IMIS internal reports prepared 12-15-09.

N.C. Department of Labor
Occupational Safety and Health Division
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Hazards by Type*



*FY 2009 data from IMIS internal reports prepared 12-15-09.

**Education, Training and
Technical Assistance Series**

**N.C. Department of Labor
Occupational Safety and Health Division
October 2008–September 2009**

Education, Training and Technical Assistance Series Highlights

- The ETTA Bureau continued to focus on increasing efficiency and effectiveness in providing outreach training to workers in high-risk industries and affirming its role to ensure adherence to terms of agreement for partnerships and alliances. The work of the bureau included rulemaking, publications, partnerships, alliances, training and outreach.
- ETTA began releasing the first of more than 60 standard safety and health presentations to the public. Presentations are now available on the Internet for download so that each employer can tailor training to meet specific employee needs. The remaining presentations will be released during the next several months. After release of the initial standard presentations, ETTA plans to focus on industry-specific presentations, beginning with those industries included in the OSH Division's special emphasis programs.
- ETTA hosted multiple 30- and 10-hour general industry and construction awareness courses. These included two general industry 30-hour courses, five general industry 10-hour courses, two construction industry 30-hour courses and 10 construction industry 10-hour courses. Four of the construction 10-hour courses were delivered in Spanish. Nearly 100 percent of students who attended the courses found them to be useful in the workplace.
- ETTA continued to offer a variety of training topics to the public via the speaker's bureau, web training and individual topic workshops at the Charlotte, Raleigh, Winston-Salem, Wilmington and Asheville field offices. Nineteen of these events were conducted in Spanish.
- ETTA offered more than 200 courses, forums and workshops and also provided an exhibit at numerous health and safety and industrial conferences. The OSH Division provided training for 9,258 employers and employees during this fiscal year. The training section continued to expand and improve its outreach training calendar and newsletter. The training calendar is available on the NCDOL website, while the newsletter was e-mailed monthly to more than 7,000 employees/employers during this reporting period. The calendar outlines course offerings and allows for online registration for all courses. The newsletter outlines the current training schedule and offers information with regard to a variety of NCDOL services.
- The training section continues to provide training to workers in high-risk industries such as construction, logging and agriculture at or near their worksites using the Labor One Mobile Training Unit. Seven training events were hosted using Labor One.
- The training section began offering electronic certificates for 10-hour workshops, 30-hour workshops, individual topic workshops and webinars.
- The standards section adopted several new rules during this year including acetylene, PPE consensus standard updates, PPE training requirements, marine terminal, maritime, electrical, and state-specific cranes and derricks rules.
- Additionally, at least 27 Field Information System documents were reviewed by the standards section and approved for use or revised during this time including six federal compliance directives, the new H1N1 directive, 10 field operations manual chapters and 10 operational procedure notices, including a state-specific notice on dry-laid masonry walls.

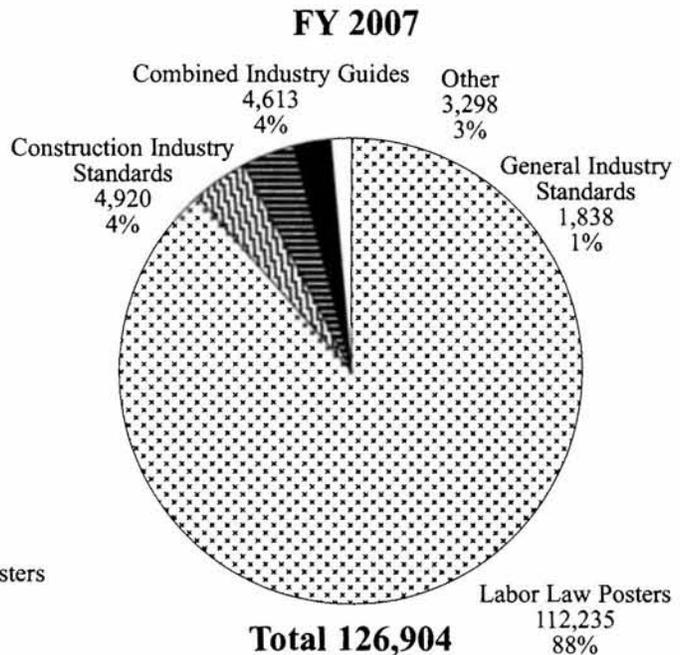
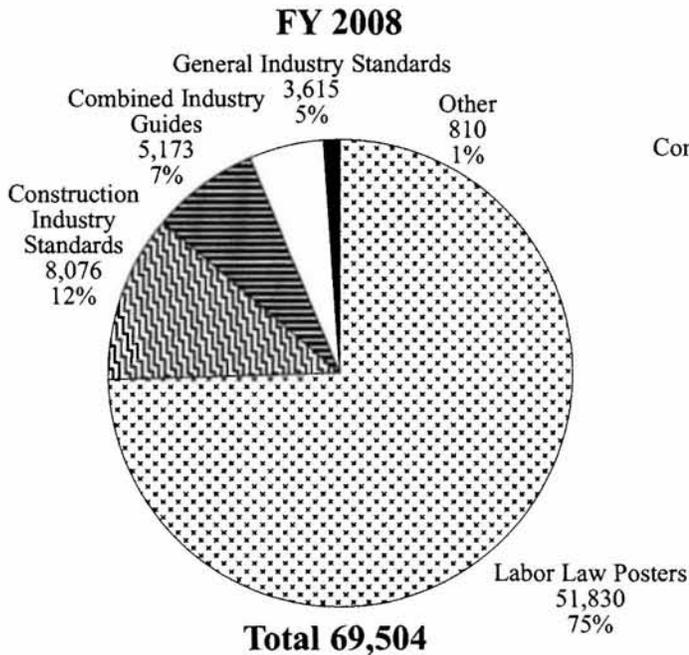
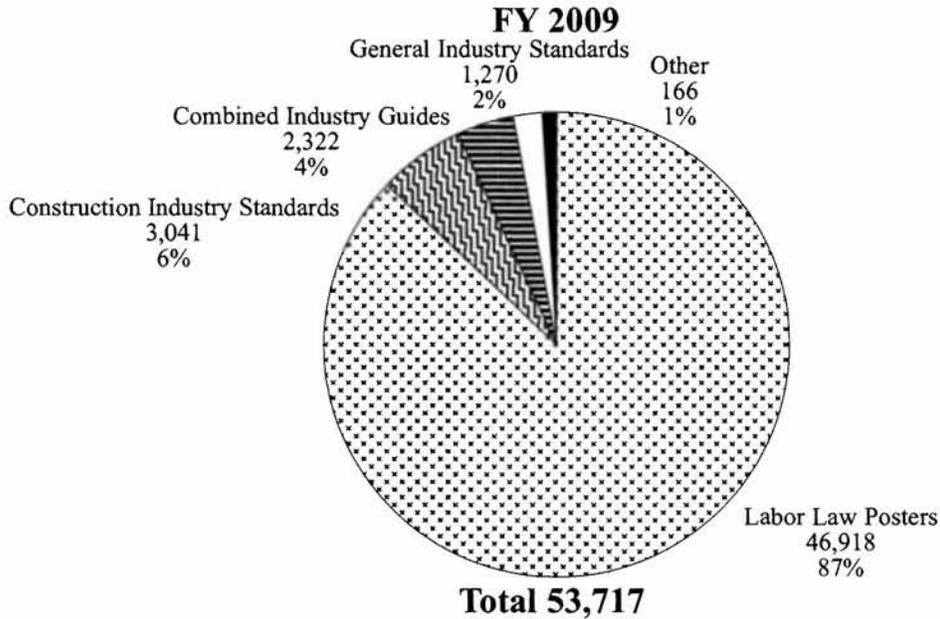
**N.C. Department of Labor
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Education, Training and Technical Assistance Series Highlights (Continued)

- The standards section developed new industry guides on transportation safety and combustible dust. The bureau also created new publications on several topics in English and Spanish such as excavations, process safety management, pneumatic nail guns and confined spaces.
- The bureau mailed three hazard alerts to industries during this fiscal year. The subjects of the alerts were ammonia, golf cart hazards and health hazards special emphasis program.
- The bureau also answered 4,592 inquiries for standards interpretation by phone or written correspondence.

**N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009**

Distribution of OSH-Related Publications*



*Data from the Bureau of Education, Training and Technical Assistance.

Fatality Series

**N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009**

Fatality Series Highlights

- The NCDOL Occupational Safety and Health Division evaluated and investigated a total of 41 fatalities in FY 2009, a decrease from the 47 fatalities in FY 2008 and 53 in FY 2007.
- Of the 41 fatalities in FY 2009, 17 percent were related to “struck by”; 17 percent were related to “falls”; 29 percent were related to “crushed by object”; 5 percent were related to “electrocutions”; 22 percent were related to “fire/explosion”; and 10 percent were related to “other.”
- In FY 2009, 27 percent of the fatalities were related to “construction”; 32 percent were related to “manufacturing”; 17 percent were related to “services”; 7 percent were related to “agriculture, forestry, fishing”; 7 percent were related to “transportation and public utilities”; 5 percent were related to “government”; and 5 percent were related to “wholesale trade.”
- The N.C. Department of Labor’s OSH Division consists of three major reporting districts (Raleigh/Wilmington Area, Charlotte/Asheville Area and Winston-Salem Area). During FY 2009, the Asheville field office entered several months of inspection data generated by their office into the Charlotte IMIS system and then switched and began entering their data into the Winston-Salem system. Due to the difficulty of making that distinction within this report, the Asheville office will be reflected as part of the Charlotte IMIS system for FY 2009.
- Of the 41 investigated fatalities in FY 2009, 56 percent were conducted in the Raleigh/Wilmington Area, 22 percent were in the Charlotte/Asheville Area, and 22 percent were in the Winston-Salem Area.
- In FY 2009 the OSH Division fatality rate by race/ethnic group was 51 percent white, 22 percent Hispanic, 22 percent black and 5 percent other.

CHART 36

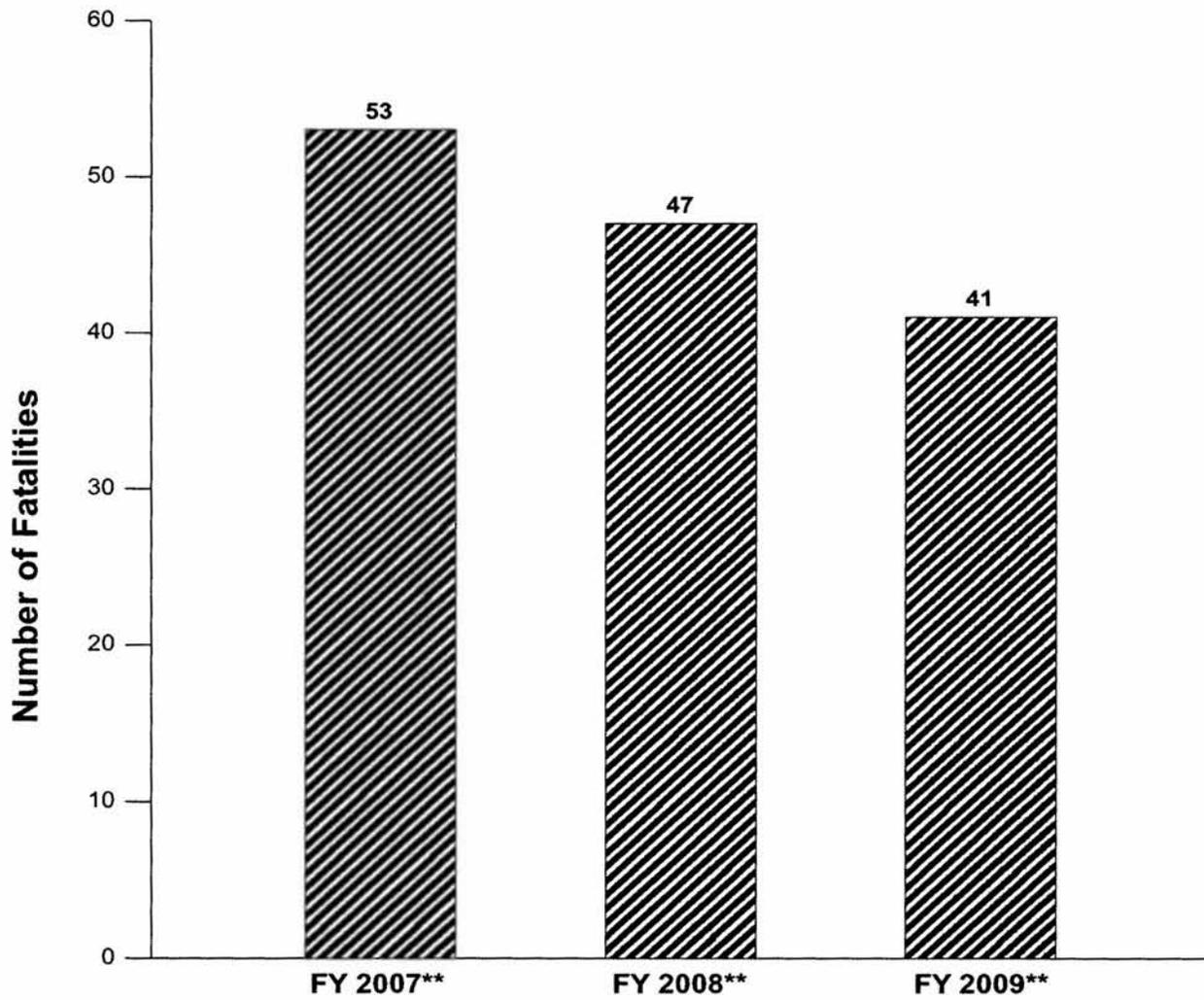
Fatality Comparison*

Cause of Death	FY 2007	FY 2008	FY 2009	Totals by Event**
Crushed by Object/Equipment	22	10	12	44
Electrocution	2	5	2	9
Explosion/Fire	0	3	9	12
Falls	8	12	7	27
Struck by Object	15	11	7	33
Other	6	6	4	16
Total Fatalities**	53	47	41	141

*Data from the Occupational Fatality Investigation Review (OFIR) Report.

**Totals do not include deaths by natural causes and/or non work-related deaths.

Fatalities Investigated*

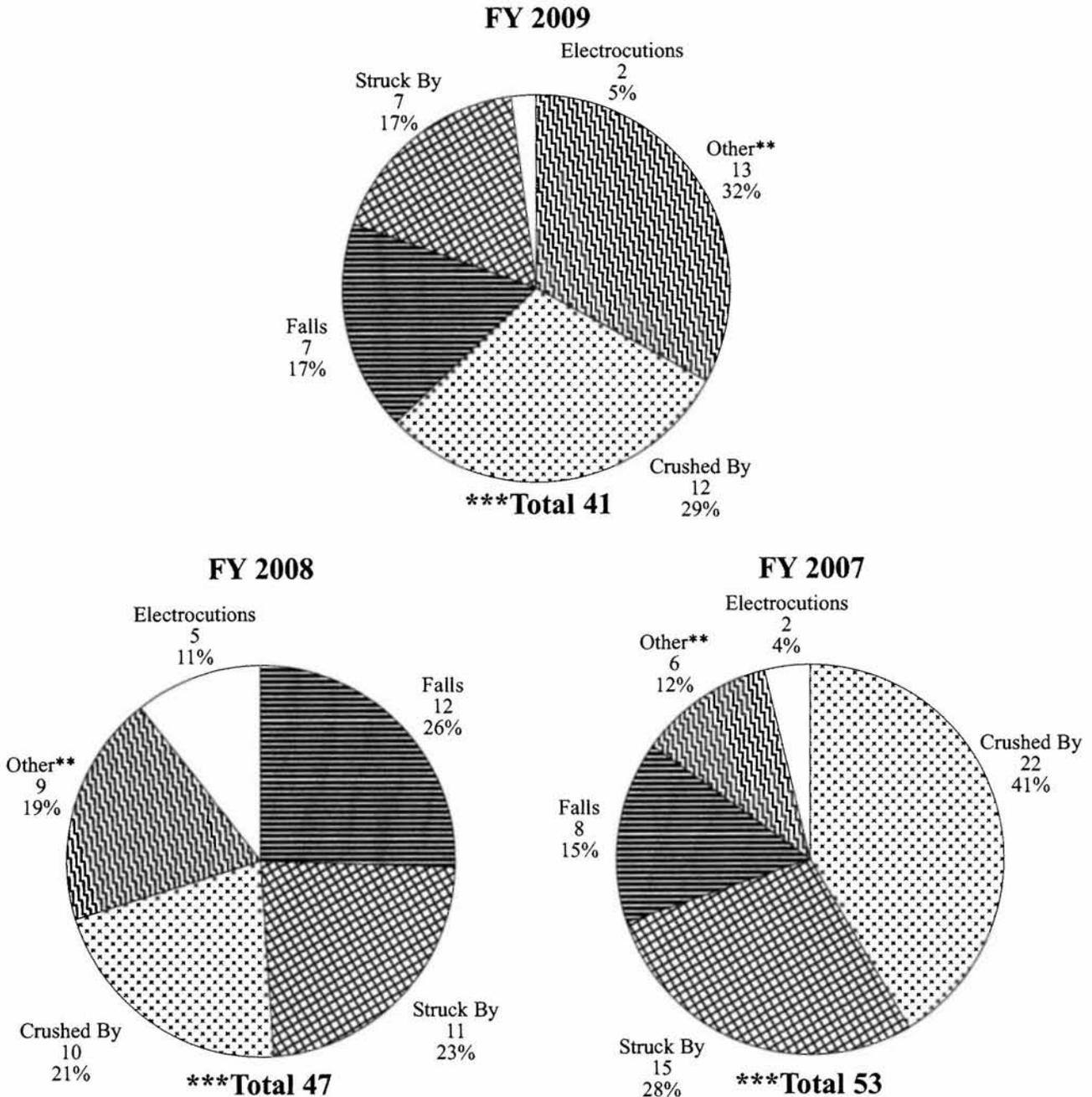


*Data from the Occupational Fatality Investigation Review (OFIR) Report.

**Totals do not include deaths by natural causes and/or non work-related deaths.

N.C. Department of Labor
Occupational Safety and Health Division
October 2006–September 2009

Leading Causes of Investigated Fatalities*



*Data from the Occupational Fatality Investigation Review (OFIR) Report.

**Other total includes “fire/explosion” and other events.

***Totals do not include deaths by natural causes and/or non work-related deaths.

**N.C. Department of Labor
Occupational Safety and Health Division
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CHART 39

North Carolina Fatal Events by District Office*

FY 2007

Event Type	Charlotte/Asheville Office	Raleigh/Wilmington Office	Winston-Salem Office	Totals by Event Type**
Crushed by Object/Equipment	6	14	2	22
Electrocution	0	1	1	2
Explosion/Fire	0	0	0	0
Falls	2	5	1	8
Struck by Object	5	6	3	14
Other	1	4	2	7
Totals by Office**	14	30	9	53

FY 2008

Event Type	Charlotte/Asheville Office	Raleigh/Wilmington Office	Winston-Salem Office	Totals by Event Type**
Crushed by Object/Equipment	2	6	2	10
Electrocution	1	3	1	5
Explosion/Fire	3	0	0	3
Falls	9	3	0	12
Struck by Object	3	6	2	11
Other	1	5	0	6
Totals by Office**	19	23	5	47

FY 2009

Event Type	Charlotte/Asheville Office	Raleigh/Wilmington Office	Winston-Salem Office	Totals by Event Type**
Crushed by Object/Equipment	4	4	4	12
Electrocution	0	1	1	2
Explosion/Fire	0	9	0	9
Falls	2	4	1	7
Struck by Object	3	1	3	7
Other	0	4	0	4
Totals by Office**	9	23	9	41

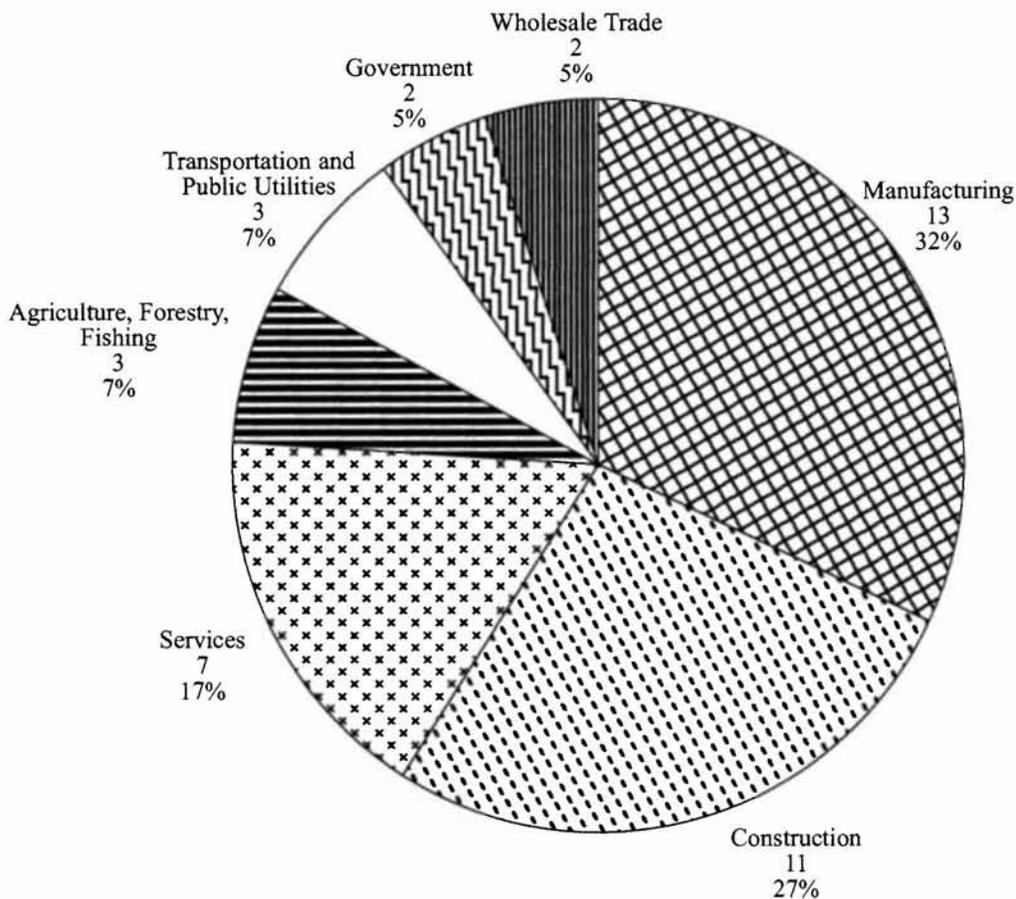
*Data from the Occupational Fatality Investigation Review (OFIR) Report.

**Totals do not include deaths by natural causes and/or non work-related deaths.

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Fatalities by Industry Type*

FY 2009



****Total 41**

*Data from the Occupational Fatality Investigation Review (OFIR) Report.

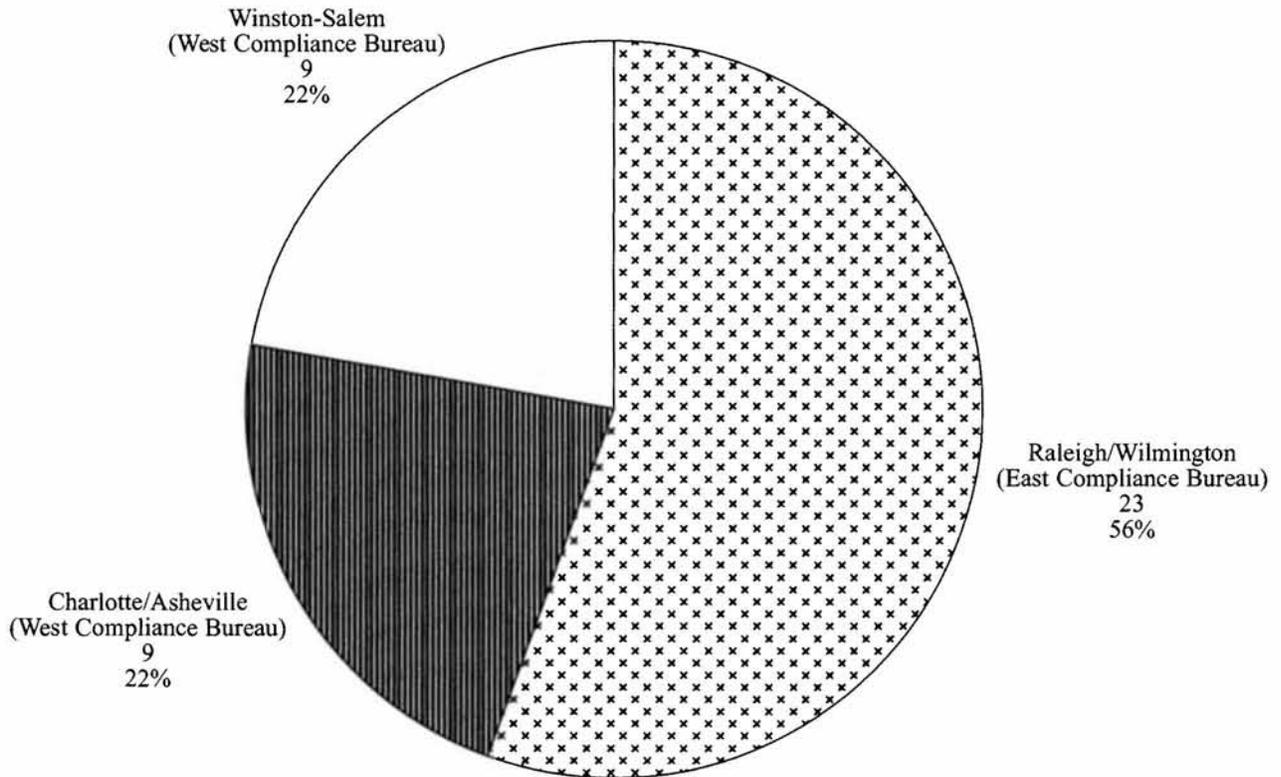
**Total does not include deaths by natural causes and/or non work-related deaths.

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CHART 41

Fatalities by Office Location*

FY 2009



****Total 41**

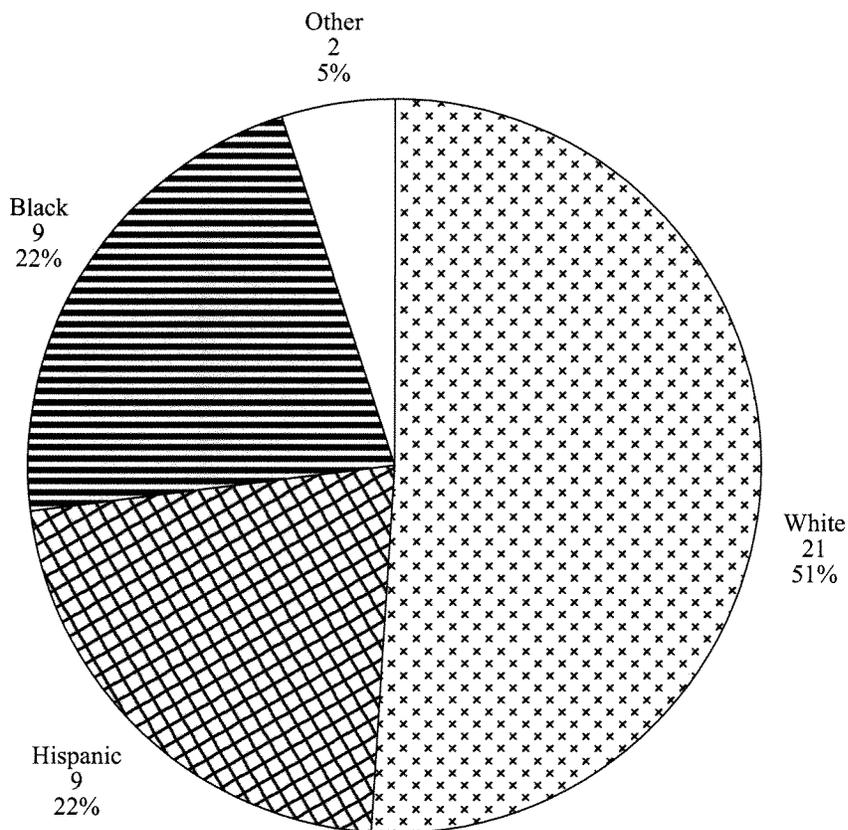
*Data from the Occupational Fatality Investigation Review (OFIR) Report.

**Total does not include deaths by natural causes and/or non work-related deaths.

N.C. Department of Labor
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Fatalities by Race/Ethnic Group*

FY 2009



****Total 41**

*Data from the Occupational Fatality Investigation Review (OFIR) Report.
**Total does not include deaths by natural causes and/or non work-related deaths.

Construction Series

**N.C. Department of Labor
Occupational Safety and Health Division
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Definition of the Construction Special Emphasis Program

The Occupational Safety and Health Division has a Special Emphasis Program (SEP) for the construction industry that began in FY 1998. This SEP was implemented because the construction industry accounts for 27 percent of workplace fatalities statewide and only 5 percent of the workforce in North Carolina. SEPs are implemented as a strategy for reducing occupational fatalities. A county is included in this SEP if it has experienced more than one construction-related fatality during a fiscal year. If so, the county will come under this emphasis program of compliance, consultation and/or education and training from the OSH Division.

The following counties constituted the SEP for FY 2009:

- Dare
- Durham
- Forsyth
- Guilford
- Iredell
- Mecklenburg
- Wake

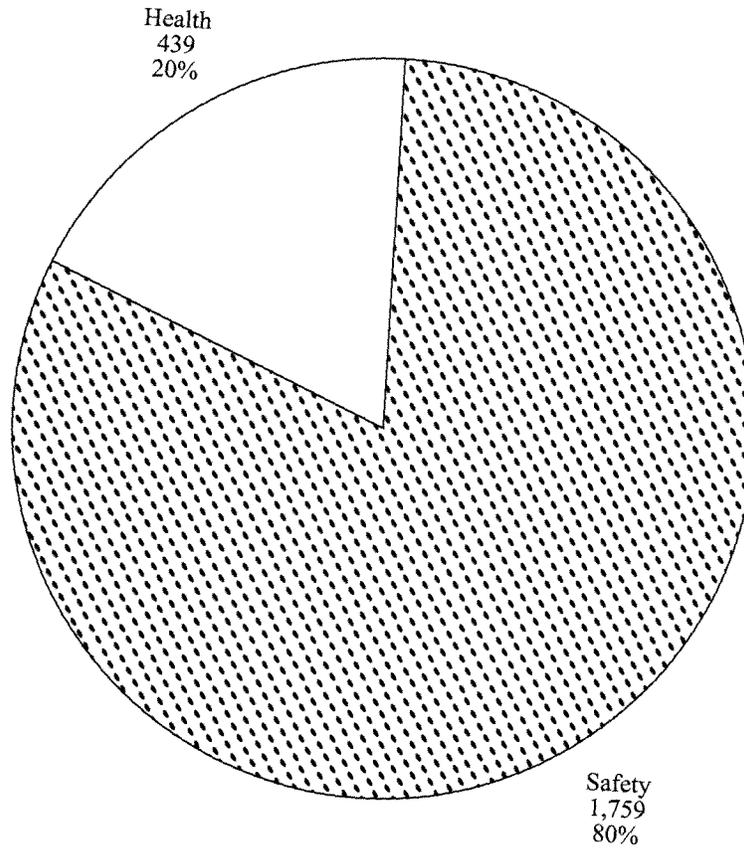
**N.C. Department of Labor
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Construction Series Highlights

- There were 2,198 construction industry inspections conducted in North Carolina in FY 2009.
- Of the 2,198 inspections conducted, 1,759 were safety inspections, which accounted for 80 percent of the total inspections in the construction industry.
- North Carolina conducted 439 health inspections in the construction industry, which accounted for 20 percent of the total for FY 2009.
- 33 percent (732) of all construction industry inspections statewide were in-compliance compared to 67 percent (1,466) of the total inspections with citations for FY 2009.
- The construction industry was cited for 2,491 serious, willful and repeat violations during FY 2009.
- Of the 2,198 inspections conducted, 1,223 resulted from the Construction Special Emphasis Program in FY 2009.
- Carpentry, roofing, siding and sheet metal contractors accounted for 30 percent of all FY 2009 construction industry inspections in North Carolina.

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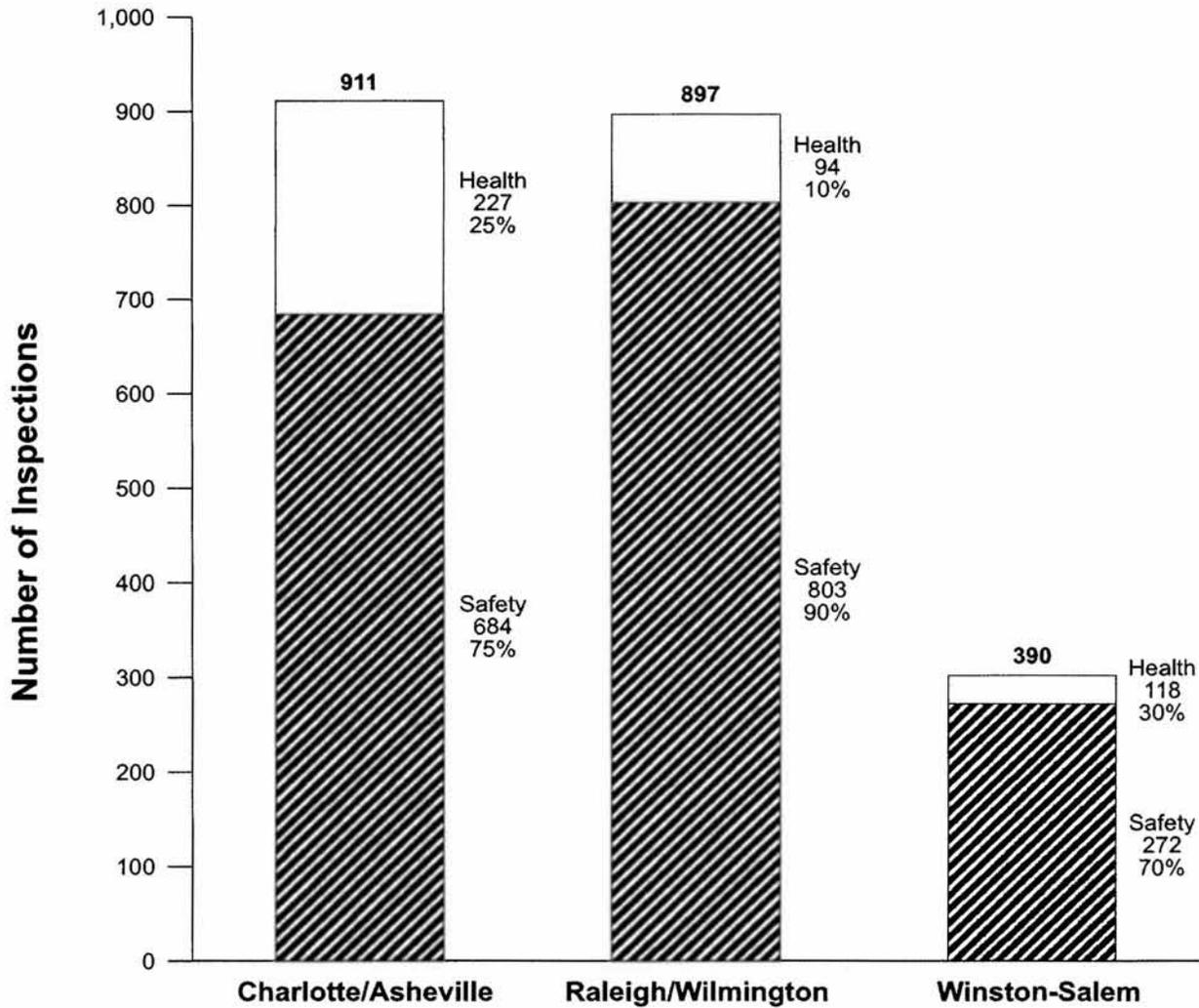
Construction Inspections by Category*
FY 2009



Total 2,198

*Data from an IMIS micro-to-host report, "Scan Report," run 1-11-10.

Construction Inspections by OSH Field Office*



*Data from an IMIS micro-to-host report, “Scan Report,” run 1-11-10.

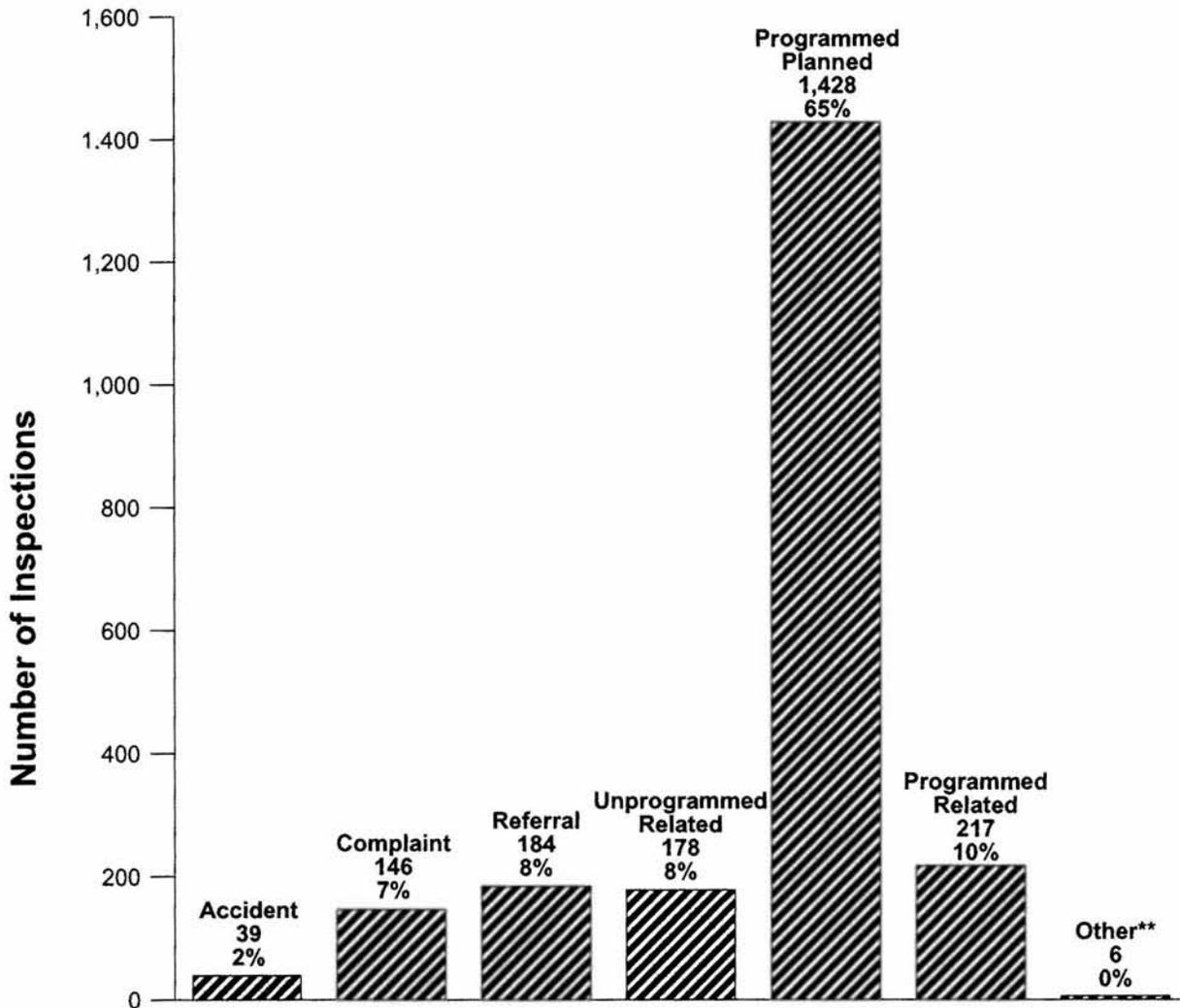
**N.C. Department of Labor
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Construction Inspections by Type*

Type	Number of Inspections	Percent
Accident	39	2
Complaint	146	7
Referral	184	8
Followup	6	0
Unprogrammed Related	178	8
Programmed Planned	1,428	65
Programmed Related	217	10
Programmed Other	0	0
Monitoring	0	0
TOTAL	2,198	100

*Data from an IMIS micro-to-host report, "Scan Report," run 1-11-10.

Construction Inspections by Type and Percentage*



*Data from an IMIS micro-to-host report, "Scan Report," run 1-11-10.

**Other total includes "programmed other," "followup" and "monitoring" construction inspections.

**N.C. Department of Labor
Occupational Safety and Health Division
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SEP County Construction Inspections by Type*

County	Accident	Complaint	Referral	Followup
Dare	0	2	0	2
Durham	0	4	3	0
Forsyth	1	3	2	1
Guilford	2	2	3	0
Iredell	3	2	1	0
Mecklenburg	10	18	12	1
Wake	5	24	9	0
Total	21	55	30	4

County	Unprogrammed Related	Programmed Planned	Programmed Related	Programmed Other**
Dare	0	35	2	0
Durham	4	64	7	0
Forsyth	2	181	2	0
Guilford	5	109	37	0
Iredell	6	41	0	0
Mecklenburg	19	305	62	0
Wake	29	170	33	0
Total	65	905	143	0

*Special Emphasis County data from an IMIS micro-to-host report, "Scan Report," run 1-11-10.

**"Programmed other" total also includes "monitoring" inspections.

Ratio for SWRV** Construction Inspections (Safety and Health Combined)*

Number of Inspections	SWRVs Cited	SWRV Ratio per Inspection
2,198	2,491	1.1

Construction Inspections by SEP County*

County	Number of Inspections	In-Compliance Rate	SWRV Ratio
Dare	41	73	0.6
Durham	82	18	0.9
Forsyth	192	26	1.4
Guilford	158	40	1.1
Iredell	53	45	1.1
Mecklenburg	427	43	0.9
Wake	270	40	1.1
Total Inspections	1,223	N/A	N/A

*Data from an IMIS micro-to-host report, “Scan Report,” run 1-11-10.

**Serious, willful and repeat violations (SWRV).

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