

**FY 2019 Comprehensive
Federal Annual Monitoring Evaluation (FAME) Report**

**NORTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**



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I. Executive Summary

The fiscal year (FY) 2019 North Carolina FAME (Federal Annual Monitoring Evaluation) resulted in a comprehensive FAME report that assesses the North Carolina Occupational Safety and Health Division (OSHNC) progress toward achieving its performance goals established in the FY 2019 Strategic Management Plan, as well as reviews the effectiveness of areas related to enforcement activities, including a summary of an onsite evaluation. This report is also based on the results of quarterly visits, the State Office Annual Report (SOAR), the State Activity Mandated Measures (SAMM) Report, as well as OSHA Express reports ending September 30, 2019.

The FY 2018 Follow-up FAME report did not include any new findings or observations. In addition, no new findings or observations were identified in FY 2019.

On October 1, 2019, North Carolina began its first year of the five-year planning cycle, as documented in the Strategic Plan. The five-year Strategic Plan includes two primary outcome goals: 1) Reduce the rate of workplace fatalities by 2% and 2) Reduce the rate of workplace injuries and illnesses by 5%.

In FY 2019, the OSHNC staff held 420 professional certifications and designations due to the emphasis on continuing education and training. Certifications include: 22 Certified Safety Professionals, 11 Certified Industrial Hygienists, 13 Associate Safety Professionals, five Construction Health and Safety Technicians, three Occupational Health Safety Technologists, 82 OSH Construction Safety Specialists, 10 Certified Public Managers, 86 Managers of Environmental Safety and Health (MESH), 61 Construction-MESH, 65 IH-MESH, 24 State and Local Government Agencies-MESH, one Advanced MESH, one Certified Hazardous Materials Manager, 16 Remote Pilots, 19 Virtual Observers, one Construction Certified Trained Supervisor and two Graduate Safety Professionals.

Certification software and study materials have enabled the staff to accrue advanced training that, most likely, contributed to their progress in this area. OSHNC casefiles have improved as a result of increased training. Additionally, increases in staff salary have helped with retention of employees. The leadership team is aware of the positive impact increased training and salaries have had on the morale and outcomes of the OSHNC employees.

OSHNC continues its outreach to employers and employees by providing a variety of training and outreach services. In FY 2019, the Education, Training and Technical Assistance Bureau (ETTA) participated in 210 events including speaking engagements, OSHA 10 & 30-hour courses, workshops, webinars, fairs and conferences. In addition, podcasts were designed to educate the public on many topics including the OSHA Safe+Sound campaign. Billboards were also located on prominent highways in the State, which promoted the Grain Handling Stand Up, Fall Stand-Down and Safe+Sound Week. Overall, ETTA distributed 70,627 publications, the Publications Desk served 4,531 customers and the Standards Section answered 3,159 standards inquiries.

The data below was released by the Bureau of Labor Statistics in November 2019. The State's total recordable case (TRC) rate for Calendar Year (CY) 2018 remained at historic low levels. The private sector TRC rate was 2.4 and the Days Away Restricted Transfer (DART) rate was 1.3, which are 16% and 18% lower than the national rates, respectively.

CY 2018	North Carolina		National Average		Comparison
TRC Rate	2.4	2.6*	2.8	3.1*	14% Lower/16% Lower*
DART Rate	1.3	1.4*	1.6	1.7*	19% Lower/18% Lower*

**All industries, including state and local government*

II. State Plan Background

A. Background

The North Carolina Occupational Safety and Health State Plan received final approval under Section 18(e) of the OSH Act on December 10, 1996. The official designated as responsible for administering the program under the Occupational Safety and Health Act of North Carolina is the Commissioner of Labor. The Commissioner of Labor is a constitutional officer and selected through a statewide election. The current Commissioner of Labor is Cherie K. Berry. Within the NC Department of Labor, the Occupational Safety and Health Division has responsibility for carrying out the requirements of the State Plan. Kevin Beauregard serves as Deputy Commissioner/Director of the Occupational Safety and Health Division, and Scott Mabry serves as Assistant Deputy Commissioner/Assistant Director of the OSH Division. Commissioner Berry and her leadership team were all in position during the evaluation period.

The Occupational Safety and Health Division is organized into the following operating units: East and West Compliance Bureaus; Bureau of Education, Training, and Technical Assistance (ETTA); Bureau of Consultative Services; Bureau of Planning, Statistics and Information Management (PSIM), and the Agricultural Safety and Health (ASH) Bureau. The main office and a district office are located in Raleigh, with four additional offices located throughout the State: Asheville; Charlotte; Winston-Salem; and Wilmington. Currently, there are 196.8 positions funded under the 23(g) grant, including 102 positions, which are 100% state-funded. These positions include 64 safety compliance officers and 45 health compliance officers assigned to district offices throughout the State. Additional safety and health professionals work in ETTA with responsibilities related to training, development of outreach materials, standards, and the Carolina Star Program (Voluntary Protection Program). The worker population in North Carolina consists of approximately 4,436,892 workers, and nearly 282,534 establishments.

Employee protection from retaliation related to occupational safety and health is administered by the Employment Discrimination Bureau, which falls under the Deputy Commissioner for Standards and Inspections, in the North Carolina Department of Labor. This Bureau covers several types of employment-related retaliation, in addition to whistleblower protection that falls under the jurisdiction of the State Plan.

The North Carolina Department of Labor provides private sector onsite consultative services through a 21(d) Grant. There are 20.1 positions funded under the 21(d) grant, including consultants, administrative staff, and managerial employees. Four of the 21(d) positions are 100% state-funded. State and local government agencies 23(g) grant consultative services, enforcement, and compliance assistance activities, are accomplished by the same staff, in accordance with consultation procedures established for the private sector. North Carolina's

Carolina Star Program organizationally falls within the Education, Training, and Technical Assistance Bureau.

The table below shows OSHNC’s funding levels from FY 2015 through FY 2019.

FY 2013-2019 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2019	5,431,200	5,431,200	7,716,338	18,578,738	71.33
2018	5,326,000	5,326,000	7,578,359	18,230,359	70.78
2017	5,326,000	5,326,000	7,398,554	18,050,554	70.49
2016	5,326,000	5,326,000	8,226,808	18,878,808	71.79
2015	5,326,000	5,326,000	7,609,103	18,261,103	70.83

B. New Issues

Maximum Penalty Increase:

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, according to the Consumer Price Index (CPI). OSHNC has not yet completed the legislative changes to increase maximum penalties.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. FY 2019 is a comprehensive year, and as such, OSHA was required to conduct an on-site evaluation and case file review. A five-person OSHA team, which included a whistleblower investigator, was assembled to conduct this evaluation. The case file review was conducted at the North Carolina State Plan office during the timeframe of December 9-13, 2019. A total of 127 safety, health, and whistleblower inspection case files were reviewed. In addition, two Partnerships, three Alliances, and eight Carolina Star sites were also reviewed. The safety and health inspection files were randomly selected from closed inspections conducted during the evaluation period, Oct 1, 2018, through September 30, 2019. The selected population included:

- Twenty (20) fatality case files
- Eight-eight (88) complaint, referral, and programmed case files
- Six (6) State and local government agency consultation case files
- Thirteen (13) closed whistleblower case files

The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including the:

- State Activity Mandated Measures Report (SAMM) (Appendix D)
- State Information Report (SIR)
- Mandated Activities Report for Consultation
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- Full case file review

Each State Activity Mandated Measures (SAMM) Report has an agreed-upon Further Review Level (FRL), which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL, result in a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2019 State Activity Mandated Measures Report and includes the FRL for each measure.

B. Review of State Plan Performance

1. PROGRAM ADMINISTRATION

a) Training

The Education, Training and Technical Assistance (ETTA) Bureau is responsible for training the North Carolina Occupational Safety and Health Division personnel, and employers across the State. In FY 2019, ETTA offered 217 hours of formal training, 271 hours of continuing education, and 43 hours of other job-related training to internal personnel. ETTA conducts OSHA Training Institute (OTI) equivalent training for OSH Division compliance staff. The North Carolina OSH Division Directive, Operating Procedure Notice (OPN) 64F, establishes the policies and procedures for the initial training and development of the State Plan’s compliance staff. NC OSH’s training directive is comparable to OSHA’s training directive, TED-01-00-019. By conducting internal training, ETTA trains its employees at the appointed times and at a lower cost. They utilize their senior compliance officers to augment the ETTA staff to conduct the training. They also hire outside subject matter experts to conduct specialized training, as needed.

Interviews with members of the State’s compliance staff and the Education and Training Supervisor revealed that the program is effectively managed and that the required initial training courses are provided within the specified three year period, as outlined in the OPN 64F. Senior compliance officers also received formal training on a regular basis. In addition to the OPN, the State has developed and Implemented the following related Administrative Procedure Notices (APN): APN 3I, Professional Certification; APN 15J, Internal Training; and APN 26A, Professional Conference Attendance Policy.

OSHNC also conducted outreach training, by providing safety and health training to

employers and employees throughout the state.

Statistical Training Information FY 2019

Private sector employers trained	12,190
State and local government workplace employers trained	1,506
Total number of workers that received training	13,696

b) OSHA Information System (OIS)

The State Plan has consistently used OSHA Express, and OIS reports to manage the program, and track OSHNC Division activity. This includes both mandated activity and activity goals and outcome goals included in the Strategic Management Plan. The reports are utilized by all levels of management from senior management to Bureau Chiefs, and district Supervisors. The reports are used, not only to track program activity, but also, to assess activity by individual CSHOs. The frequency of report runs can vary from weekly to quarterly, as conditions dictate. By tracking activity, a potential outlier can be detected, before it becomes a real issue.

c) State Internal Evaluation Program Report

The North Carolina State Plan has an effective internal audit procedure, documented in Administrative Procedure Notice 14. As part of the OSHNC quality program, 17 internal inspection report audits were conducted, and 111 high profile case file reviews were completed by the OSHNC Director’s Office. The purpose of the audits was to ensure that inspection activities were being conducted, in accordance with established policies and procedures. The findings of these audits were posted internally, and feedback was provided to the compliance bureau chiefs, supervisors, and compliance officers.

An internal audit was also conducted by the OSHNC administration to review the ASH publications, ASH outreach and Field Operations Manual to assure the information is accurate and current, and to review how the department can better serve the agricultural community that they permit. The department is making steady progress towards addressing the areas identified in the audit. The department also voluntarily participated in an Office of State Budget Management audit of the migrant housing inspection process, as part of a pilot project. This resulted in long and short-term solutions to make review processes more efficient.

A total of 14 action requests were processed by the OSHNC Division’s Compliance Bureaus. This quality program activity provides opportunities for program

improvement identified by customers, division employees or as a result of internal audits and OSHA audits. Ongoing revisions are made to the Field Operations Manual (FOM) and Operational Procedure Notices, as a result of the quality program action items.

d) Staffing

During this period, the OSHNC’s staffing levels were below the established benchmarks for the program, but at an acceptable level, based on the benchmark criteria. However, the State Plan remains committed to staffing its program at the appropriate level, within the current budgetary constraints.

		FY 2015	FY 2016	FY2017	FY2018	FY2019
Safety	Benchmark	64	64	64	64	64
	Positions Allocated	64	62	62	62	62
	Positions Filled	51	50	51	55	49
	Vacancies	13	12	11	7	13
	Percent of Benchmarks Filled	80	81	82	88	79
Health	Benchmark	50	50	50	50	50
	Positions Allocated	45	45	45	45	45
	Positions Filled	36	34	41	38	39
	Vacancies	9	11	4	7	6
	Percent of Benchmarks Filled	80	75	91	84	87

2. ENFORCEMENT

a) Complaints

The OSHNC State Plan’s procedures for handling complaints and referrals alleging unsafe or unhealthful working conditions are very similar to OSHA’s. These procedures are covered in Chapter IX of the State’s Plan’s FOM. Inspection data indicates that OSHNC received 2,429 complaints, of which 680 (28%) were complaint inspections and 1,749 (72%) were complaint investigations. According to the SAMM report, OSHNC responds timely to complaints. The average number of days to initiate a complaint inspection in FY 2019 was 3.75, which is well below the negotiated standard of 10 days. The average number of days to initiate a complaint investigation was 1.99, which is also well below the negotiated standard of four days. OSHA selected 10 complaint investigations, and 15 complaint inspections for review, during this evaluation of the OSHNC program. In addition, approximately eight percent (8%) of the complaint inspections were found to be incompliance of the total inspections.

OSHNC has a centralized complaint and referral intake procedure, with complaints transferred to the district supervisor having geographic jurisdiction. The State Plan's emphasis has been on customer service, and assuring that each complaint is given attention, consistent with the severity of the alleged hazards. OSHNC's complaint process for formal complaints is similar to OSHA's process. OSHNC considers electronic complaints obtained through OSHA's complaint system as a formal complaint. After the receipt of an electronic complaint, a follow-up call to the complainant is usually made to clarify the complaint items. The source of the complaint, with those from a current employee having priority, and the severity of the alleged hazards, are primary considerations for supervisors to decide, whether to handle the complaint by letter, or by inspection.

In FY 2019, 822 referrals were processed by the complaint desk. Referrals are alleged hazards or violations of the Act, which are typically received from other federal, state, or local government agencies, as well as media outlets, compliance officers or employers, reporting an injury or illness. OSHNC follows similar procedures as OSHA for employer reported referrals.

b) Fatalities

Workplace fatalities increased in FY 2019. A total of 54 fatalities were reported to OSHNC in FY 2019, up from 49 the previous year. Ninety eight percent (98.08%) of the fatality inspection cases were responded to within one day. SAMM 10 indicates that the State Plan did not respond to one event within one workday. The one outlier did not meet the one workday response goal, but it was due to a reasonable delay.

Next-of-Kin (NOK) was contacted on all investigations. North Carolina has a procedure for communication with family members of deceased workers. Letters are sent to the NOK at the beginning of the investigation, and when the investigation has concluded. The family is provided with the name and telephone number of the "next-of-kin ombudsman," who handles telephone contacts with the family. Supervisors indicated that they check to assure that the letters have been sent, when they review the file.

According to fatality figures for FY 2019, the State experienced 18 construction fatalities, which is six (6) less than the same time period last year. OSHNC continues to identify high fatality, high activity counties for special emphasis.

The number of Services and Transportation/Public Utilities fatalities increased, as a result of struck-by and caught-in-between hazards. Examples of outreach efforts to educate the industry will include the following: social media (podcasts, Twitter, Facebook, billboards); developing safety and health topics for both struck-by and caught-in-between; adding a carousel on the OSHNC website that links to the safety and health topics; conducting webinars on struck-by and caught-in-between; and focusing on these hazards during the 10 and 30 hour courses. In addition, OSHNC

developed a hazard alert and/or outreach letter that included the following free services: training; consultative services; publications and other Resources. The tables below detail the industries, where fatalities occurred in FY 2018 and FY 2019.

By Industry	FY 2018	FY 2019
Construction	24	18
Manufacturing	7	9
Transportation & Public Utilities	4	7
Wholesale Trade	0	1
Retail Trade	0	4
Services	3	7
Agriculture, Forestry, Fishing	6	5
Government	4	3
Finance: Insurance & Real Est.	1	0
Other	0	0
Total	49	54

OSHNC’s average penalty per inspection for fatality cases was \$12,058. Penalties were reduced an average of three percent (3%) on citations related to fatalities that were resolved by means of an informal settlement agreement (ISA).

The State Plan’s investigation procedures of occupational fatalities are effectively the same as OSHA’s. OSHNC has taken a proactive approach to help prevent injuries, illnesses, and fatalities in North Carolina workplaces by establishing partnerships with some of the most hazardous industries. OSHNC continues to place increased emphasis on tracking specific injuries and fatalities on a monthly basis. If there is an increase in injuries and fatalities, additional resources are allocated including inspection and focused training events.

The North Carolina Attorney General’s Office (AG) works closely with the CSHO, when a fatality case file is being prepared to assure that the case documentation is legally sufficient. Files included statements and other documentation that supported the violations cited, and the cause of the accident was clearly explained. Contacts between the CSHO and the attorney were documented in the case files. Fatality investigations are required by Administrative Procedure Notice (APN) 16D to go through a review by a Citation Review Committee, made up of senior management and legal staff before issuance of citations, or determination of an in-compliance investigation. The determination must be reviewed and signed by the OSH Director or Assistant Director. Informal settlement agreements related to fatality cases also receive a higher-level review. No problems were noted in the fatality investigation

files reviewed. Files included statements, and other documentation that supported the violations cited, and the cause of the accident was clearly explained.

c) Targeting and Programmed Inspection

According to inspection statistics reviewed, OSHNC conducted 2,929 inspections in FY 2019, of which 1,670 were programmed. Fifty eight percent (58%) were conducted in the construction industry. Construction work is also considered high hazard, and inspection sites are targeted using several procedures, based on specified criteria. North Carolina conducts a high number of programmed inspections in the construction sector, particularly under their Special Emphasis Program (SEP) for high emphasis counties. These counties are associated with their strategic goal to reduce construction fatalities. According to the SIR, 71.54% of private sector programmed safety inspections and 77.13% of private sector programmed health inspections had violations. Of those, 84.62% of safety inspections and 82.40% of health inspections currently had a serious, repeat, and/or willful violations (SRW) [SIR Measure 2c].

OSHNC has a variety of Special Emphasis Programs (SEPs) for construction and general industry, some are associated with their strategic goals, and others support National Emphasis Programs (NEPs). The State Plan’s strategy for reducing injury, illness, and fatality rates is based on addressing specific areas that have the greatest impact on the overall rates. The areas of emphasis in the current Strategic Plan include the following: Construction; Logging and Arboriculture; Grocery and Related Product Wholesalers; Long-Term Care; Exposures for Health Hazards (asbestos, lead, isocyanates, silica, and hexavalent chromium); Food Manufacturing; the Accommodation Industry. The OSHNC Compliance Bureau inspected or investigated 194 accidents, which resulted in amputations, as well as 23 accidents where an employee was pulled into machinery. In response, the Division developed a new Amputations SEP that was implemented in FY 2019.

OSHNC also participates in OSHA’s NEPs, such as Process Safety Management, and the FY 2019 Agency Priority Goal for Trenching. OSHNC conducted 66 Trenching inspections with 101 citations issued of which 81 are currently abated.

The following table outlines the total number of violations for programmed activity:

All General Industry Programmed Inspections	OSHNC	All Construction Programmed Inspections	OSHNC
Average Number of Violations/Inspection	4.8	Average Number of Violations/Inspection	2.6

In-Compliance Rate	23%
% Violations Classified as Serious, Repeat and Willful	34%

In-Compliance Rate	30%
% Violations Classified as Serious, Repeat and Willful	82%

d) Citations and Penalties

In FY 2019, the 2,929 inspections conducted resulted in an average of 1.87 SWRU violations per inspection and 1.13 other-than-serious violations per inspection. OSHNC exceeds the national average and is within range of the FRL for SWRU which is 1.43 to 2.15 (SAMM 5) and is well within the FRL for non-serious which is 0.78 to 1.16. Serious violations are categorized as high, medium or low severity serious, for penalty calculation purposes. Additionally, 207 repeat violations and 24 willful violations were issued. In addition, OSHNC exceeds the FRL, with regard to having a higher enforcement presence in the workplace at 1.57%, and also exceeds the National Average of 1.23% (SAMM 17). Actual inspections (SAMM 7) increased in FY 2019 from FY 2018. OSHNC conducted 1,944 safety and 985 health, a total of 2,929, which was 97.8% of the planned inspection goal of 2,994 inspections, compared to 2,443 inspections conducted in FY 2018. Safety inspections exceeded the OSHNC goal by 37, while health missed the goal by 102 inspections. Turnover rate and the loss of experienced compliance safety and health officers continues to contribute to the lower number of health inspections.

OSHC also maintained a significantly lower average lapse time from opening conference to citation issuance date than the FRL (SAMM 11) as referenced below:

Average Lapse Time	OSHC	FRL
Safety	36.03 days	38.08 – 57.13
Health	37.73 days	45.78 – 68.68

Case files reviewed included adequate documentation to support the violations. The case files that were reviewed were well-documented, with very detailed narratives and well-written interview statements (which explained the inspection process, the employer’s business/processes, findings, and any other issues).

The total in-compliance rate (SAMM 9) for all safety inspections in FY 2019 was 32.15% and 30.92% for health inspections. The percentage for safety and health was also well within the FRL.

OSHC’s average current penalty per serious violation in the private sector (SAMM 8: 1 -250+ workers) was \$1,768.50 in FY 2019. The Further Review Level (FRL) is $\pm 25\%$ of the national average (\$2,871.96). Therefore, the FRL ranges from

\$2153.97 to \$3,589.95. OSHNC's current penalty per serious violation in the private sector is 82% of the lowest acceptable FRL.

e) Abatement

Available procedures and inspection data indicate that North Carolina obtains adequate and timely abatement information in most case files and has processes in place to track employers who are late in providing abatement information. The Bureau Chiefs run a weekly past due abatement report that is shared with supervisors and is sorted by CSHO's. Confirmation of abatement is also a measure in the work plan for each CSHO.

Follow-up inspections accounted for 4% of the total inspections in North Carolina for FY 2019. Follow-up inspections are useful to ensure abatement, if there is a problem with abatement verification. According to the SIR for FY 2019, the number of private sector inspections that have unabated violations that are greater than 60 calendar days for safety, and 90 calendar days for health, past the issuance date, was 41 for safety and 18 for health, respectively. In addition, there were zero valid unprogrammed activities handled as inspections, which have been open more than 60 days, and there were 49 valid complaints handled as an investigation (phone/fax), which were open more than 30 days. OSHNC should ensure that the number of complaint investigations open remains low, so that hazards are quickly eliminated.

The majority of case files reviewed contained written documentation, photos, work orders, or employer's certification of abatement. Petitions for Modification of Abatement (PMA) were appropriately provided, when the employer requested an extension for their corrective action timeframe and interim protection information was provided in the case file.

However, in several of the files reviewed, where serious hazards were identified and the abatement was classified as "Corrected During Inspection (CDI)", the files did not contain the specific description outlining the corrective action observed by the compliance officer. A violation can be considered corrected during the inspection, when the compliance officer witnesses the correction to the specific violation, while onsite. OSHNC requires that the worksheet contain information on how the violation was abated.

f) Worker and Union Involvement

OSHNC's procedures for employee and union involvement are identical to OSHA's. Case file review disclosed that employees were included in 100% of fatality investigations, and other inspections. This determination was supported by SAMM13.

3. REVIEW PROCEDURES

a) Informal Conferences

North Carolina has procedures in place for conducting informal conferences, and proposing informal settlement agreements. These procedures appear to be followed consistently by District Supervisors. According to the SIR, 0.98% of violations were vacated, and 1.46% of violations were reclassified, as a result of informal settlement agreements. The percent of penalty retained was 84.59%, which exceeds the national average of 66.38%. Case files reviewed had similar results, with very few violations noted as being vacated or reclassified, and most cases were resolved with some penalty reduction. Where there were vacated or reclassified violations, or a larger penalty reduction, the files normally included the rationale for the changes. No negative trends or problems with citation documentation have been noted.

b) Formal Review of Citations

In FY 2019, 4.1% of inspections with citations were contested. The North Carolina OSH Division is represented by attorneys in the North Carolina Attorney General's Office (AG). The attorneys are assigned exclusively to represent the Division, and they receive specific training on legal issues relating to occupational safety and health.

The Attorneys participate in organizations, such as the State OSHA Litigators Organization (SOLO), where State and Federal high-profile cases, and cases with special legal issues, are shared and discussed. The Division also utilizes the Department of Labor's in-house attorneys, who advise on various legal issues. All fatalities and high-profile cases are considered by a citation review committee, before citations are issued. This committee is made up of OSH management, staff attorneys, and attorneys in the AG's Office.

The North Carolina Review Commission is an independent body that hears and issues decisions on appeals, relating to the issuance of citations and assessment of penalties by the OSH Division. Commission members are appointed by the Governor for terms that usually run for six years. All commission hearings are open to the public and decisions are available for public review on the Commission's web page.

The OSH Division can request judicial review of decisions made by the Review Commission. The Division is advised on these matters by the Attorney General's Office with input from the Commissioner of Labor's Office.

4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION

In accordance with 29 CFR 1902, State Plans are required to adopt standards and Federal program changes, within a 6-month time frame. State Plans that do not adopt identical standards and procedures must establish guidelines which are at least as effective (ALAE) as the federal rules. State Plans also have the option to promulgate standards covering hazards not addressed by federal standards. During this period, OSHNC adopted all of the federal directives and OSHA initiated standards, which required action in a timely manner, except for the Maximum Penalty Increase. The tables below provide a complete list of the Federal directives and standards, which required action during this period:

Status of FY 2019 Federal Standards Adoption

Standard:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	6/26/19	Yes	11/14/19	11/14/2019	11/14/2019
Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1902,1903 (1/23/2019)	3/23/2019	2/8/19	No	No	7/23/2019	None
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	12/3/18	Yes	5/1/19	5/9/2019	5/3/19
Final Rule on Maximum Penalty Increases	9/12/2016	On hold	On hold	On hold	1/01/17	On hold

Status of FY 2019 Federal Program Change (FPC) Adoption

FPC Directive/Subject:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
<i>Adoption Required</i>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	11/30/18	Yes	Equivalent (additional NAICS Codes were added)	4/1/2019	6/10/19
<i>Equivalency Required</i>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment	7/21/2019	6/26/19	Yes	Yes	11/22/2019	7/21/19

CPL 02-01-061 (5/22/2019)						
Shipyards Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	6/26/19	Yes	Yes	11/22/2019	7/21/19
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyards Employment CPL 02-01-060 (5/22/2019)	7/21/2019	6/26/19	Yes	Yes	11/22/2019	7/32/19
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	1/18/19	Yes	Equivalent	4/16/2019	3/819
<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	3/19/19	Yes	Equivalent	n/a adoption not required	10/1/19

5. VARIANCES

North Carolina currently has ten permanent variances, two of which are multi-State variances approved by OSHA. No variances were issued by the State Plan in FY 2018-2019. North Carolina does not have any temporary variances, and the State Plan appropriately shares variance requests with federal monitors.

6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

OSHNC's Public Employee Program operates identically as the private sector. As with the private sector, state and government employers can be cited with monetary penalties. The penalty structure for both sectors is the same. OSHNC conducted 188 state and local government agency inspections in FY 2019, which accounted for 6.42% of all inspections. The Planning Statistics and Information Management (PSIM) Bureau mailed 3,117 surveys to state and local government employers (collection of calendar year 2018 injury and illness data). As of the end of FY 2019, 2,998 survey responses were received with a 96.2% response rate, where the data as provided can be used to calculate injury and illness rates, and for targeting purposes.

The following table outlines the total number of violations for programmed activity, as well as the in-compliance rate and the percentage of SWR violations for state and local government agencies:

All State and Local Government Agency Programmed Inspections	OSHNC
Average number of violations	3.7
In-Compliance Rate	26%
% violations classified as Serious, Repeat, and Willful	30%

7. WHISTLEBLOWER PROGRAM

The Employment Discrimination Bureau (EDB) of the North Carolina Department of Labor is responsible for enforcing the North Carolina Retaliatory Employment Discrimination Act (REDA). [N.C. Gen. Stat. § 95-240 *et seq.*]. REDA prohibits discrimination against employees who engage in protected activities, as defined by North Carolina law, including the Occupational Safety and Health Act of North Carolina (NC OSH) [N.C. Gen. Stat. § 95-126 *et seq.*]. This is comparable to OSHA’s Whistleblower Protection Program, under Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act), [29 U.S.C. § 660(c)].

This evaluation included a thorough review of North Carolina’s anti-retaliation program to determine, whether EDB is following its own policy and procedures, and whether EDB meets and/or exceeds OSHA guidance. Organizationally, EDB falls under the Standards and Inspections Division of the Department of Labor, not within the Occupational Safety and Health Division. The NC OSH Director is responsible for assuring OSHA grant support, and effective coordination between EDB and NC OSH. The organizational structure has not had a detrimental effect on the ability of the State Plan to carry out its responsibilities related to safety and health whistleblower protection effectively.

The EDB currently employs six Investigators and two administrative staff. All of the Investigators and staff work at the EDB office in Raleigh, NC. The program is supervised by a Deputy Administrator (formerly “Bureau Chief”). One of the current investigators has completed the OSHA 1420 course. Three investigators are scheduled for the course in February 2020. The remaining two investigators are scheduled to attend the course in June 2020. The EDB previously had four trained investigators, who separated from the Bureau over the past year. A position in the Standards and Inspections call center, which handles calls from the public for both EDB and Wage and Hour cases. This call center operator’s time will be shared (80% with EDB and 20% with Wage and Hour).

With respect to practices and procedures, the EDB OSH Discrimination Manual was last updated on September 1, 2019. This manual establishes practices and procedures that are as effective as federal practices and procedures used in the investigation and evaluation of

these cases. Settlement guidance is currently being updated and the Deputy Administrator reviews/approves all settlements.

From October 1, 2018, through September 30, 2019, EDB received and opened 130 and closed 70 Section 11(c) retaliation complaints. In FY 2019, the Bureau was never fully staffed with six investigators. The Bureau never had more than four investigators and during the last quarter had only two. Therefore, the Bureau was unable to assign and close more Section 11(c) cases than it opened. Data regarding the disposition of these Section 11(c) complaints is presented below:

Total REDB OSH Cases Opened and Closed FY 2019 (Summary)

	Total
Cases opened in FY 2019 and under investigation as of 9/31/2019	95
Cases opened in FY 2019 and closed by investigators in FY 2019	35
Total Cases opened FY 2019	130
Total Cases closed during FY 2019	70
Net Closed over Opened	-60

FY 2019 Closed REDB OSH Cases by Determination (Summary)

Determination	Number of Cases	Percentage
90 + DAY	20	28%
ADMINISTRATIVE CLOSURE	2	3%
D/RTS	21	30%
MERIT RTS	7	10%
SETTLED	8	12%
UNCOOPERATIVE	2	3%
WITHDRAWN	10	14%
	70	100%

19% of 11(c) whistleblower cases were completed within 90 days, in FY2019 (SAMM 14). This is just below the national average of 33%. The average number of days to complete investigations was 168 days, which is significantly better than the national average of 290 days (SAMM 16). Additionally, North Carolina had a total Merit Rate of 21% which exceeds the national average of 16% (SAMM 15). The additional time normally required in completing merit cases may justify the 90-day completion rate.

A review of 13 selected files to include (2) settlements, (2) withdrawals, (4) dismissals, (3) merit cases, and (2)* where over 90 days Right-To-Sue (RTS) letters were requested by and issued to Complainants. The review of the files disclosed (Reports of Investigation) were well documented, and all logical investigative leads were either completed, or attempted. In addition, in FY 2019 EDB has transitioned to electronic case files. During the file review, no observations were identified.

* The 90+day RTS IMIS disposition is currently being coordinated by Region 4 with the OSHA National Office. Currently IMIS does not allow State Plans to enter a “Kick out” determination. The 90+day N.C. RTS letter allows Complainants to file in State Court. The equivalent of a Federal Kick-out to U.S. District Court.

8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

No CASPAs were filed during this evaluation period.

9. VOLUNTARY COMPLIANCE PROGRAM

The Education, Training and Technical Assistance (ETTA) and the Compliance Bureaus are responsible for the administration of cooperative agreements. Administrative Procedure Notice (APN) 18O addressing the cooperative agreement programs and makes clear the distinction between alliances and partnerships. APN 18O, Cooperative Agreement, is the document used to establish the procedures to be followed for Alliance and Partnership agreements and is designed to enhance the ability of the Occupational Safety and Health Division to meet its strategic goals. The primary purpose of Alliances and Partnerships in North Carolina are to serve as an effective means of targeting resources to special emphasis programs (SEPs) areas in a cooperative manner.

Alliances

The Alliance Team Leader is responsible for coordinating the Alliance Program. The State’s Alliance Program is similar to OSHA’s Alliance Program, with a few exceptions. For example, NC OSH’s Alliances are limited to a two-year renewal period. However, the State Plan has Alliances with certain safety and health groups within the State that have an indefinite time-period. The audit revealed that having an indefinite expiration period for these alliances is in the best interest of the OSH Division. Additionally, each Alliance agreement includes a termination clause, which enable the State to terminate ineffective agreements.

NC OSH currently has eight active Alliances focusing on SEPs. A randomly selected number of alliance files were reviewed and found to contain the necessary information.

Active Alliances	
Carolina Logger’s Association	Carolinas Associated General Contractors
Forestry Mutual Insurance Company	Lamar Advertising Company

(FMIC)	
North Carolina Forestry Association (NCFA)	Safety & Health Council of North Carolina
North Carolina State University Industrial Expansion Solutions	Mexican Consulate
North Carolina Utility Contractors Association of North Carolina (NCUCA)	NC Association of Local Governmental Employee Safety Officials

Partnerships

Periodically supervisor level members of the State Plan’s compliance staff rotate the role Partnership Team Leader. The Partnership Team Leader is responsible for coordinating the State’s Partnership Program. Guidelines for the program can be found in APN 180, which is the same directive that addresses the Alliance Program. OSHNC’s Partnership Program is focused on the construction industry. Currently, the State’s Partnership Program does not have any active partnerships. Participants must submit an application for participation, which must be approved by a panel within OSHNC. Participants are limited to two Partnership worksites, within a ten-year period; however, the OSHNC Director or Commissioner of Labor can waive this restriction. This limit was established to ensure diverse group of companies the opportunity to participate in the program, ensure various types of construction projects are represented in the program, and to minimize an adverse impact on the State’s resources.

OSHNC’s Partnership program includes a provision that exempts Partnership worksites to programmed inspections. However, these worksites must provide the State Plan with injury and illness data on a monthly basis. Additionally, Partnership worksites receive quarterly verification inspections from OSHNC. Serious violations observed during the verification inspections must be abated immediately. During the duration of the partnership, the verification team becomes more familiar with the partnership site, than would normally be expected on a routine programmed inspection. With this much attention given to companies on the site, it would not be the best use of the State Plan’s resources to conduct any programmed inspections.

As well as intervention inspections, OSHNC, and site partners are also required to meet quarterly to assess the partnership progress. The partnership must also maintain a DART rate 20% below the national DART rate for the industry. With this level of commitment already assigned to the partnership site, any additional programmed inspections would not be an efficient use of State Plan resources.

The State Plan’s current Partnership policy has been developed over nearly ten-years of actual Partnership experience. The process is continuously reviewed and unprogrammed inspections are still conducted as a result of formal complaints, or job site accidents resulting in hospitalization or death. A review of the completed Partnerships agreements revealed that they contained the necessary information in the files, including the quarterly technical assistance visits, and monthly reports.

Carolina Star Program - Voluntary Protection Programs (VPP)

Voluntary Protection Program eligibility requirements for the Carolina Star Program are more stringent than the federal program. Employers in North American Industry Classification System (NAICS) codes 31-33 may apply. Employers are required to maintain injury and illness rates at least 50% below the rate for that industry in North Carolina. All participants are evaluated every three years.

The ETTA Recognition Program Section trained 23 new Special Star Team Members (SSTMs) during the FY19 and achieved 28 re-certifications, one promotion and seven new Star sites were added for an overall total of 153 Star Sites. This total includes the following: 103 Carolina Star sites (manufacturing); 23 Building Star sites (construction); 22 State and Local Government Star sites; and five Rising Star sites (similar to OSHA's Merit Program). ETTA hosted the 2019 Annual Carolina Star Safety Conference, which had 654 registered attendees with a total of 705 in attendance. Program participants also meet periodically in smaller groups in an effort to continually enhance their safety and health programs. During this period, the State Plan also conducted a Best Practice Conference for the members of its Building Star Program.

A review of selected files revealed that evaluations are conducted in accordance with the North Carolina, Star Program Policy and Procedure Manual. All required documentation was identified in the VPP files. Case file review revealed OSHNC evaluates incentive programs and makes appropriate recommendations to employers, which are effectively tracked. A determination was made that the program was effectively managed by the State.

10. STATE AND LOCAL GOVERNMENT 23(g) ON-SITE CONSULTATION PROGRAM

The consultative program continued to provide services to the employers and employees in both the private, and state and local government agencies during FY 2019. For state and local government agency visits, the State Plan had a goal to reach 205 establishments, and exceeded that goal by conducting 250 consultation visits. The number of hazards abated during on-site consultation state and local government agency visits is listed in the chart below:

Serious Hazards Confirmed Abated		Non-Serious Confirmed Abated	
Total Public	993	Total Public	64

OSHNC Consultants are especially committed to state and local government agency surveys and services since some smaller public employers have very limited resources, including staffing, to address safety and health programs in their organizations. OSHNC consultants can quickly assist state and local government agency clients with safety and health program development, and expert hazard evaluation. As a result of the number of public sites with similar operations, OSHNC consultants are very familiar with program

needs in this sector and continue to build on their consultative experience base to offer expert service to state and local government agency clients.

Appendix A – New and Continued Findings and Recommendations
FY 2019 North Carolina Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
	None.		

Appendix B – Observations and Federal Monitoring Plans

FY 2019 North Carolina Comprehensive FAME Report

Observation # FY 2019- OB-#	Observation# FY 2019-OB-# or FY 2017-#	Observation	Federal Monitoring Plan	Current Status
		None.		

Appendix C – Status of FY 2018 Findings and Recommendations

FY 2019 North Carolina Comprehensive FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
	None.				

Appendix D – FY 2019 State Activities Mandated Measures (SAMM) Report

FY 2019 North Carolina Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: North Carolina – OSHNC			FY 2019	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	3.57	10	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	1.92	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	1.99	4	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.66	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2019. The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.

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5	Average number of violations per inspection with violations by violation type	SWRU: 1.87	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.78 to 1.16 for OTS.
		Other: 1.13	+/- 20% of Other: 0.97	
6	Percent of total inspections in state and local government workplaces	6.42%	+/- 5% of 5.04%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 4.79% to 5.30%.
7	Planned v. actual inspections – safety/health	S: 1,944	+/- 5% of S: 1,907	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 1,811.65 to 2,002.35 for safety and from 1,032.65 to 1,141.35 for health.
		H: 985	+/- 5% of H: 1,087	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,768.50	+/- 25% of \$2,871.96	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,153.97 to \$3,589.95.
	a. Average current serious penalty in private sector (1-25 workers)	\$1,282.61	+/- 25% of \$1,915.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,436.89 to \$2,394.82.
	b. Average current serious penalty in private sector (26-100 workers)	\$2,248.24	+/- 25% of \$3,390.30	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,542.73 to \$4,237.88.
	c. Average current serious penalty in private sector (101-250 workers)	\$2,525.65	+/- 25% of \$4,803.09	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,602.31 to \$6,003.86.

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	d. Average current serious penalty in private sector (greater than 250 workers)	\$3,967.48	+/- 25% of \$5,938.59	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,453.94 to \$7,423.23.
9	Percent in-compliance	S: 32.15%	+/- 20% of S: 30.30%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.24% to 36.36% for safety and from 28.90% to 43.35% for health.
		H: 30.92%	+/- 20% of H: 36.12%	
10	Percent of work-related fatalities responded to in one workday	98.08%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 36.03	+/- 20% of S: 47.61	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 38.08 to 57.13 for safety and from 45.78 to 68.68 for health.
		H: 37.73	+/- 20% of H: 57.23	
12	Percent penalty retained	84.59%	+/- 15% of 66.38%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.42% to 76.33%.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	19%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	21%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 18.40% to 27.60%.
16	Average number of calendar days to complete an 11(c) investigation	168	90	The further review level is fixed for all State Plans.

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17	Percent of enforcement presence	1.57%	+/- 25% of 1.23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.92% to 1.54%.
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NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2019, as part of OSHA’s official end-of-year data run.

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North Carolina

State OSHA Annual Report (SOAR)

Fiscal Year 2019



December 13, 2019

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PART I - STRATEGIC PLAN OVERVIEW

Program Outcome Goals

On October 1, 2018, North Carolina began its fifth five-year planning cycle as documented in the Strategic Plan (SP). The five-year SP ending on September 30, 2023 includes two primary outcome goals:

- Reduce the rate of workplace fatalities by 2%
- Reduce the rate of workplace injuries and illnesses by 5%

Outcome Goals Results

	Baseline	2018	2019	2020	2021	2022	Reduction
Fatality Rate	.00102	.00079	NA*				
Injury & Illness Rate	1.4	1.4	NA*				

Areas of Emphasis Outcome Goals

- Reduce the construction industry fatality rate by 2% by the end of FY 2023
- Reduce the fatality rate in logging and arboriculture by 2% by the end of FY 2023
- Reduce the days away, restricted, or transferred (DART) rate for grocery and related product wholesalers by 5% by the end of FY 2023
- Reduce the DART rate in long term care by 5% by the end of FY 2023
- Support the overall outcome goal of reducing workplace injury and illness rate by 5% by the end of FY 2023 by addressing specific health hazards in the workplace
- Reduce the DART rate in food manufacturing by 5% by the end of FY 2023
- Reduce the number of Amputations in support of the overall outcome goals of reducing the rate of workplace injuries and illnesses by 5% by the end of FY 2023

Areas of Emphasis Activity Goals

- Conduct inspections, consultative surveys and train employers and employees as documented for each area of emphasis

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State Demographic Profile

Sector	Establishments	Employees
Total Private Industry	270,161	4,087,169
Total Public Sector	6,401	625,223

* Data available through the 2nd Quarter of FY 2019

Goal Setting Process

- Evaluate injury, illness, and fatality data
- Secure input from stakeholders
- Establish five-year outcome goals
- Select areas of emphasis and strategies to impact achievement of outcome goals
- As described in Administrative Procedure Notice (APN) 19, Strategic Management Plan Committee Activity, create a committee of division employees in each area of emphasis to manage the strategic planning process
- Determine level of activity for each emphasis area
- Share progress on achieving goals with staff on a monthly basis
- Alter strategies, if outcome goals are not being reached
- Evaluate the process

Areas of Emphasis

North Carolina's strategy for reducing injury, illness, and fatality rates is based on addressing specific areas that have the greatest impact on the overall rates. The areas of emphasis in the current Strategic Plan include:

- Construction
- Logging and Arboriculture
- Grocery and Related Product Wholesalers
- Long Term Care

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- Exposures for Health Hazards (asbestos, lead, isocyanates, silica, hexavalent chromium)
- Food Manufacturing
- Amputations

Strategic Activity to Support Outcome Goals

- Improve safety and health programs through compliance, consultation, and training
- Expand safety and health recognition programs
- Develop construction partnerships at high profile construction sites
- Establish alliances in the areas of emphasis
- Implement Special Emphasis Programs (SEPs) for selected industries with specific intervention guidelines and activity goals
- Track activity and outcome goals monthly and share status with staff
- Conduct quarterly meetings for each area of emphasis committee

Factors Affecting Achievement of Outcome Goals and Strategic Activity Goals

- Insufficient federal funding requiring the elimination or freezing of positions
- Number of trained division personnel released to provide division intervention
- Need to maintain vacant positions in response to budget uncertainty
- Turnover rate and the loss of experienced compliance safety and health officers (CSHOs)
- Response to Hurricane Florence required diversion of resources
- Strategies employed within each area of emphasis
- Resources committed to the areas of emphasis

Program Statistics

Fatality Totals	2018	2019	2020	2021	2022	2023
Total	49	54				
Construction	24	18				
Manufacturing	7	9				
Public Sector	4	4				
Logging/Arboriculture	5	6				
Hispanic	11	12				

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Overall Rate	.00079	TBD*				
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Injury and Illness Rates	2018	2019	2020	2021	2022	2023
TRC (All)	2.6					
DART(All)	1.4					
State and Local Government Agency TRC	3.9					
State and Local Government Agency DART	1.8					

Intervention Statistics	2019	2020	2021	2022	2023
Inspections	2,928				
Inspection Goals	2,994				
Consultation Visits	1,692				
Consultation Goals	1,370				
Trained	13,696				
Training Goals	9,600				

Compliance Activity	2019	2020	2021	2022	2023
Serious Violations	3,511				
Willful Violations	21				
Average Serious Penalty	\$1,783				
Follow-ups	106				

PART II - REVIEW OF SPECIFIC OUTCOME GOALS AND ACTIVITIES IN AREAS OF EMPHASIS

1.1 Reduce Construction Industry Fatality Rate Statewide by 2% by the end of FY 2023

Significant safety and health strides have been made reducing the fatality rate in the construction industry. During the last strategic planning cycle, the construction fatality rate increased. The construction industry continues to have a high number of workplace accidents compared to other industries, and this can have a significant impact on the State's overall outcome goals of reducing injury, illness and fatality rates.

Strategies for Achieving Specific Outcome Goal

- Conduct Occupational Safety and Health Division (OSH) compliance, consultation, and training interventions and outreach
- Utilize inspection guidelines established for the construction industry

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- Maintain strong working relationships with construction industry groups through partnerships, alliances and other outreach efforts
- Identify high fatality, high activity counties for special emphasis on an annual basis
- Re-inspect those employers with work place fatalities
- Use informal settlement agreements to require employers to attend construction training
- Provide Hispanic outreach personnel to conduct construction training in Spanish
- Establish partnership agreements at high visibility construction sites
- Develop Spanish language publications and training materials specific to construction
- Distribute outreach letters and training materials for companies cited for five or more serious violations.
- Promote recognition programs such as Building Sub-Contractor Star and SHARP
- Conduct consultative blitzes in high fatality and activity counties
- Inspect all cranes operating on construction sites
- Utilize mobile training unit “Labor One” for on-site training as requested
- Analyze statistical data to confirm validity of inspection targeting process
- Develop materials and training presentations specific to the construction industry
-

Outcome	Baseline	2019	2020	2021	2022	2023
Fatalities	73	18				
Rate	.00101	.0026				
Hispanic	N/A	8				

Construction	2019	2020	2021	2022	2023	Total
Inspections	1,682					1,682
Goals	1,050					1,050
Consultation	501					501
Goals	200					200
Trained	2,293					2,293
Goals	2,500					2,500

1.2 Decrease Fatality Rate in Logging and Arboriculture by 2% by the End of FY 2023

The State has had success in reducing the number of fatalities in logging and arboriculture. The SEP for logging was initiated in FY 1994. This was in response to 13 logging fatalities in

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FY 1993. Experience has shown that a reduction in OSH activity can translate into an increase in the number of injuries and fatalities in this industry. For this reason, and the industry’s fatality history, logging Northern American Industry Classification System (NAICS 11331) and arboriculture (NAICS 56173) remain in the Strategic Plan.

Strategies for Achieving Specific Outcome Goal

- Place increased emphasis on tracking specific injuries and fatalities on a monthly basis. If there is an increase in injuries and fatalities, additional resources could be allocated including inspection and focused training events
- Increase employer and employee awareness of regulatory requirements and safety and health work practices
- Change employer and employee behavior to improve job safety and health through education, consultation, and compliance interventions
- Establish and maintain strong working relationships with industries, associations, groups, and key individuals through alliances and other outreach efforts
- Continue use of meaningful safety and health programs with site specific safety training such as the Pro Logger training
- Develop materials and training presentations specific to the industry
- Focus training events and outreach to specific problem areas such as tree felling
- Evaluate SEP strategies to maintain effectiveness
- Utilize guidance documents that address work place hazards that are common to the industry

Outcome	Baseline	2019	2020	2021	2022	2023
Fatalities	5	6				
Rate	.02486	.0056				

Logging	2019	2020	2021	2022	2023	Total
Inspections	39					39
Goals	60					60
Consultation	28					28
Goals	13					13
Trained	382					382
Goals	150					150

2.1 Reduce the DART Rate in Grocery and Related Product Wholesalers (NAICS 4244) by

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5% by the end of FY 2023

The State’s strategic planning process includes statistical analysis to determine which industry groups have high injury and illness rates that could affect the State’s goal of reducing the overall injury and illness rate. The baseline rate for grocery and related product wholesalers is 3.5, which was more than twice the overall DART rate of 1.3. For this reason, this industry remains as an area of emphasis in the current SP. Operational Procedure Notice (OPN) 145 was updated to provide guidance in identifying hazards and completing inspections in the grocery industry. The most recent industry DART rate is less than the baseline.

Strategies for Achieving Specific Outcome Goal

- Provide OSH compliance, consultation and training interventions
- Determine activity levels for OSH intervention
- Determine need for a grocery hazard alert and other industry specific training materials
- Evaluate inspection data to determine if there are any industry trends that should be addressed
- Advance alliances with industry trade groups
- Expand recognition programs such as Carolina Star and SHARP programs
- Evaluate employer’s safety and health program during intervention and recommend improvements

Outcome	Baseline	2018	2019	2020	2021	2022
DART	3.5	3.4				

Grocery	2019	2020	2021	2022	2023
Inspections	23				23
Goals	20				20
Consultation	4				4
Goals	3				3
Trained	7				7
Goals	25				25

2.2 Reduce the DART Rate in Long-Term Care (LTC) by 5% by the end of FY 2023

While progress has been made in this industry group during previous planning cycles, the baseline rate of 3.9 was still more than twice the overall DART rate. For this reason, the LTC (NAICS 623) emphasis area has been carried over from the previous strategic plan. The most recent DART rate is below the baseline.

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Strategies for Achieving Specific Outcome Goal

- Conduct OSH compliance, consultation, and training interventions
- Develop and maintain alliances in LTC including state and local government agencies
- Advance ergonomics guidelines during OSH interventions
- Address elements of long term care intervention contained in OPN 132 including bloodborne pathogens, tuberculosis, ergonomics, slips, trips, falls, and workplace violence
- Develop materials and training presentations specific to the industry
- Distribute outreach material through direct contact with affected employers
- Properly code inspections for accurate tracking of activity at specific work sites
- Develop procedures to reduce work place violence in LTC facilities

Outcome	Baseline	2018	2019	2020	2021	2022
DART	3.9	3.3				

Long Term Care	2019	2020	2021	2022	2023	Total
Inspections	58					58
Goals	48					48
Consultation	66					66
Goals	40					40
Trained	442					442
Goals	50					50

2.3 Conduct Emphasis Inspections, Training, and Consultation Activity in Establishments Where Employees Might be Exposed to Health Hazards Such as Lead, Silica, Asbestos, Hexavalent Chromium and Isocyanates

The State has established a special emphasis program to address health hazards in the work place. The current health hazards include lead, silica, asbestos, hexavalent chromium, and isocyanates. Tracking mechanisms have not been developed to allow for the establishment of specific outcome measures in this area of emphasis. The State will continue to monitor the progress of OSHA in developing reliable outcome measures for health issues. A reduction in illnesses relating to the emphasis health hazards identified could influence the primary outcome goal of reducing the overall injury and illness rate by 10% during the five-year cycle of the strategic plan.

Strategies for Affecting Overall Outcome Goals through Elimination of Health Hazards

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- Pursue OSH compliance, consultation and training interventions
- Conduct follow-up inspections where overexposure was initially detected
- Develop hazard alerts, training materials and industry guides for specific health hazards
- Provide consultative support on chemicals identified in health hazards SEPs
- Research and review site specific data sources that could be used to identify employers having or potentially having health hazard exposures
- During interventions, identify workplace activities where health hazards may be present
- Secure information from other agencies concerning possible employee overexposure
- Utilize specific inspection procedures described in OPN 135

Health Hazards	2019	2020	2021	2022	2023	Total
Inspections	144					144
Goals	100					100
Consultation	245					245
Goals	200					200
Trained	795					795
Goals	400					400

Inspections with Detectable Results

Hazard	Inspections	Samples	Overexposures (Inspections)	Overexposures (Samples)
Silica	7	66	6	22
Lead	12	26	2	4
Asbestos	5	9	0	0
Cr (VI)	6	7	0	0
Isocyanates	5	9	0	0
Totals	35	117	8	26

2.4 Reduce the DART Rate in Establishments in Food Manufacturing (NAICS 311) by 5% by the end of FY 2023

The strategic planning process is intended to allocate resources in those areas of emphasis with above average injury and illness rates in an attempt to impact the overall State injury and illness rate. The Food Manufacturing (NAICS 311) DART rate was 2.5 in FY 2017, which was more than the overall DART rate of 1.3. For this reason, food manufacturing was carried over to the current five-year Strategic Management Plan. The baseline rate for this industry is 2.6, which is the five-year average DART rate for the period 2012-2016. Operational Procedure Notice

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140 was updated for food manufacturing and to provide specific inspection guidelines. The most recent DART rate is below the baseline.

Strategies for Achieving Specific Outcome Goal

- Give special attention to the OSHA recordkeeping process at each site visited
- Interview a sufficient number of employees to confirm accuracy of OSHA 300 log entries
- Develop educational materials and training presentations specific to this industry
- Provide consultation and technical assistance at sites covered by this area of emphasis
- Conduct inspections addressing industry hazards identified in OPN 140
- Utilize ergonomics inspection procedures to determine the appropriate response when ergonomic hazards may exist
- Consider inspection of additional company sites on targeting schedules when three or more serious violations are identified
- Ensure that all CSHOs are sufficiently trained to recognize hazards associated within the food manufacturing industry

Outcome	Baseline	2018	2019	2020	2021	2022
DART	2.6	2.2				

Food	2019	2020	2021	2022	2023	Total
Inspections	42					42
Goals	40					40
Consultation	26					26
Goals	12					12
Trained	14					14
Goals	25					25

2.5 Reduce the number of Amputations in support of the overall outcome goals of reducing the rate of workplace injuries and illnesses by 5% by the end of FY 2023

The first year of any new addition to the SP is designated as a planning year. FY 2019 was a planning year for Amputations. A strategic management plan committee was established to manage the planning process. This includes developing strategies to achieve established goals and determining the appropriate activity level for department intervention including compliance activity, consultation, and training. In FY 2019, Operational Procedure Notice (OPN) 149 was developed to provide guidance for conducting amputation SEP inspections

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Strategies for Achieving Specific Outcome Goal

- Meet quarterly to monitor and review the reported results related to Amputations by OSH bureaus
- The SEP Committee Chair will prepare and distribute biannually to the Compliance Bureau supervisors a summary of the reported Compliance inspections any trends or hazard trends identified
- Evaluate information and procedures in the FOM, OPNs, and other department reference materials and make recommendations for revisions to these documents as it relates to Amputations
- Develop an OPN for Amputations during the planning period

Amputation	2019	2020	2021	2022	2023
Inspections	planning year				
Goals	planning year				
Consultation	planning year				
Goals	planning year				
Trained	planning year				
Goals	planning year				

PART III – SPECIAL ACCOMPLISHMENTS: FY 2019

- The State’s total recordable case (TRC) rate for Calendar Year (CY) 2018 remained at historic low levels. The private sector Total Recordable Case (TRC) rate was 2.4 and the Days Away Restricted Transfer (DART) rate was 1.3. If state and local government agency numbers are included, the overall NC TRC was 2.6 and the DART was 1.4. These rates are respectively 16% lower and 18% lower than the national rates.
- OSH participated with OSHA in the National Safety Stand Down to Prevent Falls in construction. The Educational Training and Technical Assistance (ETTA) section participated in three training events to include one webinar, one speaker bureau request and one site visit with Labor One in New Hanover County. Labor One was on site for training and personal protective equipment demonstrations. The Consultative Services Bureau participated in 16 events across the state, which reached and trained upwards of 1400 attendees. ETTA also hosted two Construction Forums to supplement fall stand down activities. Construction forums were hosted in Wake and Cabarrus counties and covered various topics to include; electrical hazards, excavation and trenching, fall protection and struck-by/caught between hazards.

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- OSHA Region 4 reached out to NCDOL's ETTA to assist in providing a 45-minute educational outreach to a large construction employer in Charlotte, NC, which would coincide, with the National Safety Stand-Down to prevent falls in construction. With coordinated efforts, the arrangements were made for the West Bureau Chief to provide a class covering the following topics: OSHNC construction SEP, common types of construction fatalities (e.g. falls, struck-by), and the General Contractors role in construction jobsite safety, including the multi-employer citation policy.
- During Safe + Sound Week, in addition to various webinars being held, a podcast discussing the Safe + Sound campaign was held with the OSH Director. According to OSHA, 162 NC employers registered their participation in Safe + Sound.
- The OSHNC Home Land Security Coordinator was requested to present at the OSHA State Emergency Preparedness and Response Conference call in March 2019. OSHNC presented a PowerPoint on the fall 2018 Hurricane Florence Response and Recovery in North Carolina.
- The Division has taken various actions to increase safety and health professional pay to be more competitive with the private sector. A policy change was made that allows salary adjustments for various professional certifications and designations. This change resulted in 246 pay increase actions from 2015-2019. The staff certifications and credentials strengthen the ratios associated with professionalism in the division and associated pay increases appear to be impacting the division's overall strategy to retain experienced safety and health professionals.
- In State Fiscal Year (SFY) 2019, the N.C. Legislature provided a 2.5% across-the-board salary increase for all state employees, which provided a modest increase to all OSH staff. The bi-annual budget also included a provision for an additional 2.5% salary increase for most state employees in 2020.
- OSHNC Advisory Council meetings were held on May 8, 2019 and November 20, 2019. The OSHNC Advisory Council provides guidance to the OSHNC Division on matters related to the OSH Act. Two meetings are held each Calendar Year. One meeting was held in Asheboro and the other meeting was held in Raleigh.
- As part of the OSHNC quality program, 17 internal inspection report audits were conducted, and 111 high profile case file reviews were completed by the OSH Director's Office. The purpose of the audits was to ensure that inspection activities were being conducted in accordance with established policies and procedures. The findings of these audits were posted internally, and feedback was provided to the compliance bureau chiefs, supervisors, and compliance officers.
- OSHNC Division Director, Kevin Beauregard, was the Chairman of the Occupational Safety and Health State Plan Association (OSHSPA) in FY 2019. He began his 2-year term as OSHSPA chair near the beginning of FY 2018. The OSHSPA Board meets with OSHA

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leadership three times a year to plan and coordinate OSHSPA meetings to better ensure consistency amongst OSHA programs nationwide.

- OSHNC participated in meetings across the State with regional safety schools including the NC Statewide Safety Conference, Western NC Safety and Health School, Eastern Carolina Safety and Health School and the Wilmington Regional Safety and Health School.
- N.C. Department of Labor's Commissioner Berry participated in the 2019 4th Annual Summit on Safety Leadership held at the North Carolina Zoo in Asheboro, NC. The school was sponsored by the Safety and Health Council of NC; NC State Industry Expansion Solutions; NCDOL; and the NC Zoo. The three and a half days of training included topics such as "The Art of Safety Leadership", "What is a Safety Culture", "Disaster Response and Mold Safety", "Looking at OSHA from Both Sides", and "The Billion Dollar Problem".
- OSHNC met with a delegation from the South Korea Electric Power Corporation in January 2019. A five-person project team was greeted by the OSH Administration staff. The team was interested in employee welfare and industrial safety and indicated that they wanted to collect strategies to provide and manage safer work spaces and better deal with work-related injuries under their auspices.
- The OSHNC Complaint Desk and field office processed 2,784 complaints and 822 referrals in FY 2019. Over 2,579 additional contacts were made with the public that did not result in valid complaints, along with 120 reports of injuries that were not processed due to the incidents not being reportable to OSHNC.
- The OSHNC Compliance Bureau's conducted 2,928 inspections during FY 2019, identified, and corrected over 7,750 hazardous conditions, including 5,185 that were classified as serious, willful, or repeat violations.
- Approximately 55% of all OSHNC Compliance inspections resulted in serious, willful, or repeat violations, with a total penalty assessment of \$9.47 million. However, only 4.3% of inspections with citations were legally contested by employers.
- Inspections with citations were written and processed in a timely manner, which expedites abatement of the hazardous conditions. OSHNC Compliance had an average lapse time of 36.0 days for safety inspections and 37.7 days for health inspections, both of which are significantly lower than the respective national averages of 49.4 and 59.7 days.
- The OSHNC Compliance Bureau inspected 54 fatalities during FY 2019, identifying serious, willful, or repeat violations on 77.8% of those inspections.
- The OSHNC Compliance Bureau inspected or investigated 194 accidents resulting in an amputation, plus an additional 23 accidents where an employee was pulled into machinery.

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In response, the Division developed a new Amputations Special Emphasis Program (SEP) that was implemented in FY 2019.

- OSHNC compliance staff helped develop the curriculum and teach at the 62nd annual NC Industrial Ventilation Course that was held in Raleigh in May 2019.
- A total of 14 action requests were processed by the OSHNC Division's Compliance Bureaus. This quality program activity provides opportunities for program improvement identified by customers, division employees or as a result of internal audits and OSHA audits. Ongoing revisions are made to the Field Operations Manual (FOM) and Operational Procedure Notices as a result of the quality program action items.
- The OSHNC Lab completed 632 in-house equipment calibrations. An additional 90 pieces of equipment were sent to the manufacturer for calibration or repair.
- Three change requests were submitted for the OSHA Express (OE) Data Management System this past year, which included additions and modifications to the new Document Management System using the Scanner data module for the OE. The scanner capabilities at each office have allowed the OSH Division to move closer toward the goal of having a paperless system in FY2020. OSH is in the last phase of testing and integrating the system.
- In FY 2019 OSH transmitted data from OE to OSHA's Information System (OIS) via an interface. OSH and the OE vendor continue to work together to ensure that the OE and OIS, State Activity Mandated Measures (SAMM) and State Information Report (SIR) reports are providing accurate data.
- OSHNC continues to provide administrative support for the OSHA Legacy Data (OLD) system. The OLD system was rolled out in late FY 2016, and additional features were subsequently added to allow OSHA and State Plans to access and modify pre-OIS inspection files, as necessary. Progress continues to be made closing NC open legacy case files. At the end of FY 2019, OSHNC had 137 cases remaining in OLD.
- The team leader of the OSHNC Construction Special Emphasis Program (SEP) represented the department in a national OSHA live webinar on Trenching and Excavation, in March 2019. The OSHA Directorate of Construction requested an OSHNC representative to talk about the departments drone program and how we use drones in our inspection process.
- As part of the NCDOL Unmanned Aircraft Systems (UAS) program, 16 pilots successfully completed an in-depth training curriculum to ensure flight competency, risk avoidance and mitigation strategies. Upon completion of the training program, the pilots were awarded a set of wings to recognize their Federal Aviation Administration Remote Pilot Certification, NC Department of Transportation Unmanned Aircraft System State Permit and completion of a robust flight-training program. Through the year, drones were successfully deployed on

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multiple high-profile accident investigations, which included falls, excavation collapse, and heavy equipment roll over and logging. In an effort to enhance photogrammetry and videography during the investigative process and to increase safety operations, the department added three new DJI Matrice 210's to the UAS fleet.

- The OSHNC Division was engaged in the following three high visibility construction projects in support of the construction strategic plan goal through the partnership program:
 - Flatiron/Blythe Development Company:
 - Site #1 Charlotte Douglas Airport Improvements - Charlotte
 - Fluor Enterprises:
 - Site #2 DAPI US Project, Novo Nordisk Facility - Clayton
 - Turner –Rogers: (Joint venture)
 - Site #3 Charlotte-Douglas Airport Concourse A, Expansion Project – Charlotte
- The OSHNC Division encourages, supports continuing education of our staff, and offers occupational safety and health training courses, CSP/CIH professional certification courses and the use of CSP/CIH certification software. The Division firmly believes that providing staff members with quality training and access to certification software allows them an opportunity for self-improvement and it allows us to better serve our customers.
- Two bilingual NCDOL staff presented and participated at the “Labor Rights Educational Forum” put on by the Guatemala Consulate, in August 2019.
- The Consultation Services Bureau (CSB) has a task/measure called “intervention” that is different from onsite visits and is not counted in the program statistics. During FY 2019, 269 interventions were conducted. Activities included in this measure are telephone and email correspondence, off site technical training, speeches, presentations and targeted mailings.
- CSB continued to conduct interventions and surveys in the logging and arboriculture industries providing outreach to this highly hazardous industry.
- Consultative staff reached a huge audience by being speakers at an August 2019 NC Masonry Contractors Association meeting that was extensively publicized, tweeted and written about. The Association advertised the event and the availability of free consultation services to assist contractors in being code compliant.
- There were 132 private sector companies participating in the Safety and Health Achievement Recognition Program (SHARP), at the end of FY 2019 and five working towards the SHARP. There were six construction companies participating in SHARP at the end of FY

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2019. There were 47 state and local government agency establishments participating in SHARP at the end of FY 2019.

- CSB mailed 800 letters to employers with an Experience Modifier Rate (EMR) of 1.5 or higher. Tracking last year's requests from the mailing, the bureau noted that 50% of customers no longer had an EMR above 1.5.
- Staff from OSHNC Compliance, CSB and ETTA continued working with East Carolina University in February 2019 by hosting an equipment demonstration and calibration class. This has been done annually for the past several years. Staff coordinated with instructors for a master's class and worked with students on calibration procedures with sampling pumps and various media. They also showed the students the different types of monitors; other equipment OSH has available for inspections, such as gas, dust, and ventilation meters.
- CSB identified and addressed overexposures to noise, lead, silica, arsenic, copper, iron oxide, manganese, cadmium and chromium.
- In February 2018, CSB mailed out 180 letters to the Grocery and Related product in conjunction with our Special Emphasis efforts due to an increase in the industry injury/illness rate last year. It is our hope that employers in that industry contact CSB and ETTA for assistance with their safety and health programs. CSB is working with PSIM to develop a database to be able to email these types of correspondence.
- In April 2019, the Consultation program received the Regional Annual Consultation Evaluation Report (RACER). There were no negative findings or observations nor were there any recommendations for improvement.
- The Education, Training and Technical Assistance (ETTA) Training Section participated in 210 events to include speaker's bureau requests, 10 and 30-hour courses, individual topic workshops, webinars and public outreach fairs and conferences.
- One OSHNC Division personnel attained the 500 and/or 501 Train the Trainer Authorization. To be eligible for this program, the employee must be recommended by their supervisor and/or bureau chief. This authorization allows an employee to teach State and Federal 10 and 30-hour courses. In addition, four OSH Division personnel attended the 502/503 refresher courses and were recertified as authorized trainers.
- ETTA provides training and outreach services to the Spanish speaking population through delivery of individual topic workshops. A total of 24 Spanish-speaking workers were trained.
- ETTA offered 217 hours of formal training, 271 hours of continuing education, and 43 hours of other job-related training to internal personnel. Courses offered included:

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- a. OSH 100 (Initial Compliance Course)
 - b. OSH 125 (Introduction to Safety Standards for Industrial Hygienists)
 - c. OSH 105 (Introduction to Safety Standards for Safety Officers)
 - d. CPR/AED
 - e. OSH 123/131 (Accident Investigations/Interviewing Techniques)
 - f. Amputations SEP
 - g. Confined Space in Construction OSH Construction Safety Specialist (OCSS)
 - h. Electrical Standards (OTI #3095)
 - i. Excavation and Trenching
 - j. Fall Protection
 - k. HAZWOPER 8-Hour Refresher.
 - l. Health Hazards in Construction
 - m. Long Term Care
 - n. Lockout-Tagout
 - o. Machine Guarding
 - p. Safety and Health Management Systems
 - q. Scaffolds OCSS
 - r. Technical Writing
- OSHNC Division's annual training, conducted in October 2019, included in-depth classes on Masonry, Cranes and Derricks for OSH staff. Another course track was provided for the Agricultural Safety and Health (ASH) bureau on Home Inspections, Using the ASH Paperless System and Farm Guarding and Safety.
 - The ETTA Training Section conducted five 10-hour and two 30-hour general industry awareness courses and seven 10-hour and two 30-hour construction awareness courses.
 - The ETTA Training Section participated in and hosted a booth during the Mexican Consulate Labor Week. OSH staff handed out materials and were available for questions.
 - In FY 2019, the OSH Division signed a new alliance with the North Carolina Association of Local Governmental Employee Safety Officials (NCALGESO).
 - There are eight active alliances including Carolinas AGC, Lamar Advertising Company, Mexican Consulate, N.C. State Industry Expansion Solutions, National Utilities Contractor's Association of the Carolinas, the Safety and Health Council of North Carolina, the North Carolina Association of Local Governmental Employee Safety Officials (NCALGESO) and a joint alliance with Forestry Mutual Insurance Company, N. C. Forestry Association and the Carolina Logger's Association.
 - ETTA's Standard's Section revised 29 publications including brochures, quick cards and booklets, covering multiple safety and health topics. This includes brochures on the following: NCDOL, MESH, Library, ETTA, and Alliances and Partnerships. Quick cards included Spanish topics such as heat stress, hydrogen sulfide, nail gun safety, scaffold

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inspections, scaffold safety, tree trimming, lead protection, mold prevention, personal protective equipment, respirators, silicosis, top four in construction, work zone safety, and West Nile virus. Booklets included safety briefings and tool box talks in English and Spanish.

- ETTA also developed a new quick card covering the requirements under 29 CFR 1910.134 Appendix D - Information for Employees Using Respirators When Not Required Under Standard.
- ETTA continued to update and add content to the OSH portion of the NCDOL redesigned website in 2019. ETTA developed 13 safety and health topic pages for the NCDOL website including pages on the following: hand and power tools, benzene, carbon monoxide, amputations, zoonotic diseases, overhead and gantry cranes, organic solvents, material handling and storage, excavations and trenching, acids and bases, abrasive blasting, concrete and masonry, and boat manufacturing.
- In ongoing efforts to find new and exciting ways to interact with and educate the NC public, NCDOL started to record and release podcasts in November 2018. The podcasts are designed to educate and inform North Carolina citizens on the role that the Department of Labor plays in state government. Many of the episodes that have been released relate to OSH activities and the departments that run them. To date there have been 26 episodes. ETTA participated in eight podcasts relating to ETTA services, alliance activity, and construction work place hazards. Podcasts topics included library, recognition program and standards activity and services, fall hazards, excavation and trenching hazards and information about individual alliance organizations. Carolinas AGC, N.C. State Industry Expansion Solutions, National Utilities Contractor's Association of the Carolinas, and the Safety and Health Council of North Carolina participated in the 2019 podcast series.
- ETTA contributed to the designs of three billboards located on prominent highways in N.C. The billboards promoted the following safety and health initiatives: The Grain Handling Stand Up, Fall Stand Down, Safe + Sound Week.
- ETTA's Standards Section added 50 documents to the Field Operations Manual, revised OSH Division policies, and adoption of multiple OSHA Instructions.
- ETTA distributed 70,627 publications to employers and employees across the state, The Publications Desk served 4,531 customers and the Standards Section answered 3,159 standards inquiries.
- Final rules adopted in NC included Technical Amendments (29 CFR 1910.119 and 29 CFR 1910.184), the revised rule for Cranes and Derricks in Construction: Operator Qualification (29 CFR 1926 Subpart CC), revisions to Electronic Submission of Employer Identification Number and Injury and Illness Records to OSHA (29 CFR 1904.41), and two revisions to the rule on Beryllium (29 CFR 1910.1024).

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- The NCDOL (Charles H. Livengood Jr. Memorial) Library loaned out 886 items (e.g., safety videos, consensus standards, certification exam preparation books) to NCDOL employees and registered public patrons. Additionally, the library responded to 1,063 information requests, answered 453 reference questions, provided streaming video access (via The Training Network NOW) to 129 patrons, served 476 visitors, provided 20 library tours and acquired 230 items for the collection.
- Three OSH Division personnel attained the Certified Industrial Hygienist (CIH) certification. CIH is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to the professional practice of industrial hygiene, continues to meet recertification requirements established by the American Board of Industrial Hygiene (ABIH), and is authorized by ABIH to use the Certified Industrial Hygienist designation.
- Five OSH Division personnel attained the Certified Safety Professional certification. Certified Safety Professional (CSP) is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to professional safety practice, continues to meet recertification requirements established by the Board of Certified Safety Professionals, and is authorized by Board of Certified Safety Professionals (BCSP) to use the Certified Safety Professional designation.
- Three OSH Division personnel received the Construction Health and Safety Technician certification. Construction Health and Safety Technician (CHST) is a certification awarded by the BCSP to individuals that demonstrate competency in construction safety and health through an examination and recertification requirements.
- Five OSH Division personnel attained the Associate Safety Professional certification. Associate Safety Professional (ASP) is an independent certification awarded by BCSP. This certification denotes that an individual has met academic requirements and has passed the Safety Fundamentals Examination (the first of two examinations leading to the CSP).
- One OSH Division personnel received the Occupational Hygiene and Safety Technician certification. Occupational Hygiene and Safety Technician (OHST) is a certification awarded by the BCSP to individuals that demonstrate competency in occupational hygiene and safety activities through an examination and recertification requirements.
- Twenty-four OSH Division personnel attained the OSH Construction Safety Specialist Program (OCSS) designation. To be eligible for this program, the employee must be recommended by their supervisor and/or bureau chief. This program focuses on advanced construction topics to include, but not limited to Excavations and Trenching, Cranes and Derricks, Fall Protection, Steel Erection, Electrical Safety, Scaffolding, Residential Construction (e.g.; frames, trusses, and roofing), Health Hazards, Concrete and Masonry and Material Handling Equipment (e.g.; loaders, bulldozers) and Work Zone Safety. Each course contains a field portion with an emphasis on OSH inspection procedures.

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- Two OSHNC Division personnel attained the Manager of Environmental Safety and Health (MESH), three received the Construction MESH, two received the Industrial Hygiene MESH as a result of receiving 100 hours of safety and health training. This designation is offered in collaboration with NC State Industry Expansion Solutions and the Safety and Health Council of North Carolina.
- In FY 2019 OSHNC, staff held 420 professional certifications and designations. A breakdown is as follows : 22 CSP, 11 CIH, 13 ASP five CHST, three OHST, 82 OCSS, 10 Certified Public Managers (CPM), 86 MESH, 61 Construction-MESH, 65 IH-MESH, 24 State and Local Government Agency-MESH, one Advanced MESH, one Certified Hazardous Materials Manager (CHMM), 16 Remote Pilots, 19 Virtual Observers, one Construction Certified Trained Supervisor and two Graduate Safety Professionals.
- A new Emergency Preparedness (EP) MESH was introduced in 2019, which is geared toward individuals responsible for analyzing, identifying, measuring and controlling workplace hazards or stressors that can cause sickness, impaired health, or significant discomfort in workers through chemical, physical, ergonomic or biological exposures.
- The OSH Division promotes continuing education of our staff and offers occupational safety and health training courses along with CSP and CIH professional certification courses. In addition, certification software and study materials for CSP, CIH, CHMM, OHST, CHST, and CET have been purchased to assist employees in obtaining certifications. The Division firmly believes that providing staff members with quality training and access to certification software allows them an opportunity for self-improvement and it allows us to better serve our customers.
- In 2019, OSHNC staff played key leadership roles in the Carolinas Section of the American Industrial Hygiene Association (AIHA). The OSH staff held positions as president, vice president, and secretary and outreach coordinator.
- ETTA hosted the 2019 Annual Carolina Star Safety Conference, which had a total of 705 in attendance.
- The ETTA Recognition Program Section trained 23 new Special Star Team Members (SSTMs) during the FY and achieved 28 re-certifications, one promotion and seven new Star sites were added for an overall total of 153 Star Sites: 103 Carolina Star sites, 23 Building Star sites, 22 Star sites and five Rising Star sites.
- The OSHNC Safety Awards Program celebrated its 73rd year and gave out 2,629 Gold Awards, 487 Silver Awards, and 84 Million Hour Awards. There were 4,193 in attendance and 33 banquets.
- The Planning Statistics and Information Management (PSIM) Bureau mailed a total of 3,117 surveys to state and local government employers (collection of calendar year 2018 injury and

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illness data). As of the end of FFY 2019, 2,998 survey responses were received with a 96.2 percent response rate and a 100 percent clean rate.

- PSIM completed an analysis of data collected from the 2015, 2016, and 2017 State and local government agency Surveys, resulting in updated, established target rates for employer specific categories.
- PSIM coordinated the strategic plan process for all bureaus in the OSH Division to submit data for the FFY 2020 Strategic Management Plan.
- PSIM worked in conjunction with ETTA Bureau, Compliance Bureaus, and/or Legal Affairs Division staff to update and revise several Field Operation Manual chapters and OPN's. PSIM staff updated OPN 128 and APN 19 for FFY 2019.
- PSIM Bureau Chief continued to perform duties associated with the responsibility of being the Medical Records Coordinator for the OSH Division.
- PSIM analyzed state and local government agency inspection activities for FFY 2014 – 2018.
- PSIM analyzed construction inspection activities for FFY 2018.
- PSIM completed FFY 2018 Occupational Fatalities Comparison Report (OFIR Report Analysis).
- PSIM analyzed and verified CY 2018 fatality data for Communications Division's annual press release.
- PSIM continued refinement of the OSH private and state and local government agency databases to supplement our exclusive use of the Division of Employment Security database.
- PSIM received, researched, and processed 1,200 requests for revisions/changes to the private and state and local government agency establishment databases, which helps to enhance the accuracy of these site databases and the OSH Division Targeting System.
- PSIM received and processed 671 requests from the state and local government agencies for revisions/changes to the Public-Sector Injury and Illness Survey database.
- PSIM worked on various targeting schedules that were updated and assignments released for:
 - i. State and Local Government Agency Schedule
 - ii. General Industry Schedules (Safety and Health)
 - iii. ASH Schedule
 - iv. Health Hazards Schedules (Asbestos, Lead, and Isocyanates)

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v. Fatality Reinspection Schedule

vi. Communication Tower Schedule

- PSIM staff members continued as active Strategic Management Plan (SMP) Committee members and participated in all SMP meetings, discussions, and activities, which were essential functions directly related to the success of OSH Division Strategic Management Plan goals.
- PSIM staff participated as a representative from the OSH Division to the Occupational Surveillance Advisory Group.
- PSIM compiled OSH data was initiated for the NCDOL Annual Report, the OSH Annual Program Statistics Report, and various other annual reporting requirements.
- PSIM received closed inspection files for FFY 2017 (and older) from the field offices.
- PSIM prepared 1,328 inspection files for scanning and scanned 265 of those files for archiving into the department's file content management system (OnBase).
- The project of quality control review is continuing and ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- PSIM received 1,141 disclosure requests during FFY 2019 and processed 1,002 requests (564 from FFY 2019 and 438 from previous years) during this fiscal year, which resulted in an 87.8% response rate.
- PSIM provided notifications of workplace accidents and fatalities to the North Carolina Department of Commerce, North Carolina Industrial Commission Fraud Investigations Unit of the Insurance Compliance and Fraud Investigation Section.
- The Agricultural Safety and Health (ASH) Bureau completed 1891 preoccupancy housing inspections of migrant farmworker housing and conducted 75 compliance inspections. Housing certificates were issued to 1818 sites with total occupancy (beds) of 23,797.
- In January/February 2018, ASH held their 25th Annual Gold Star recognition awards and recognized 174 Double Gold Star growers and 94 Single Gold Star Growers.
- In June, ASH staff providing training to 302 migrant farm workers and 57 growers in two on-farm training events coordinated by GAP Connections. The training took place in Pinetops and Ruffin, NC and consisted of eight training stations. ASH staff trained workers on migrant housing regulations, field sanitation requirements, heat stress and venomous snakes and spiders found in NC. Growers received training on the most frequently cited standards, injury reporting requirements, and emergency action plans. Workers and growers also

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received training on wage and hour regulations, equipment safety, human trafficking, basic CPR, pesticide safety, heat stress and green tobacco sickness.

- ASH, in conjunction with ETTA, provided training to 75 Christmas tree growers during the North Carolina Christmas Tree Association's summer meeting held in August 2019. ASH staff provided training on OSH standards applicable to agriculture and ETTA staff conducted a presentation on chainsaw safety.
- ASH staff provided training to 19 farm contractors during two workshops hosted by NC Cooperative Extension. Training topics included migrant housing regulations, field sanitation requirements, injury and illness logs, and worker training requirements.
- In August, ASH staff presented at NC Department of Commerce's annual training event. Topics covered included the Migrant Housing Act of NC, the preoccupancy inspection process, and compliance inspection procedures.
- ASH participated in a pilot project initiative implemented by the Office of State Budget and Management to test "System Analysis" in North Carolina. The project's goal was to optimize the migrant housing preoccupancy inspection process to limit or reduce the number of provisional occupancy notices issued in future years. As a result, short-term and long-term solutions were identified, and ASH will implement as feasible.
- An internal audit was conducted by OSH administration to review the ASH publications, ASH outreach and Field Operations Manual to assure the information is accurate and current and to review how the department can better serve the Agricultural community that they permit. The department is making steady progress towards addressing the areas identified in the audit.