

FY 2017 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) 2017 North Carolina FAME (Federal Annual Monitoring Evaluation) resulted in a comprehensive FAME report that focused on the State's overall performance in their enforcement, cooperative programs, and compliance assistance activities. This report is also based on the results of quarterly onsite monitoring visits, the State Office Annual Report (SOAR) for FY 2017, the State Activity Mandated Measures (SAMM) Report, as well as OSHA Express reports ending September 30, 2016.

This report also assesses the North Carolina Occupational Safety and Health Division (OSHNC) progress toward achieving its performance goals established in the FY 2017 Strategic Management Plan, as well as reviews the effectiveness of programmatic areas related to enforcement activities, including a summary of an onsite evaluation. OSHNC met or exceeded a majority of its annual performance goals.

Care was taken to ensure this evaluation was based upon the OSHNC Field Operation Manual (FOM), establish policies and directive compliance, as well as hard copies of case file documentation. FY 2017 revealed improvement in the overall documentation of case files and a slight increase in penalty dollar amounts.

The North Carolina Occupational Safety and Health Strategic Management Plan for FY 2013 to FY 2018 established two strategic goals: **Goal 1**, Reduce the rate of workplace fatalities by 2%; and **Goal 2**, Reduce the rate of workplace injuries and illnesses by 10%. The FY 2017 Performance Plan provided the framework for accomplishing the goals of the OSHNC Strategic Management Plan by establishing specific performance goals for FY 2017.

The FY 2016 follow-up FAME report did not include any new findings or observations. In addition, OSHNC completed corrective actions for all findings and observations found in FY 2015. OSHA identified four new observations in FY 2017 that relate to OSHNC's safety and health enforcement program and whistleblower program. The observations, as well as the related federal monitoring plan, are well-documented in Appendix B.

OSHNC continues its outreach to employers and employees with hazard alerts, industry guides, and posters, as well as focused training. The Education, Training and Technical Assistance (ETTA) Bureau revised and distributed the following publications: a brochure for the top ten frequently cited serious standards in 2016; a brochure on the NCDOL Alliance and Partnership programs; a brochure on hazards and solutions for medical and dental offices; a hazard alert letter on combustible dust; quick cards on aerial lifts and mold; and industry guides for General Industry and Construction Special Requirements. ETTA also created and distributed a new hazard alert on swimming pool electrical safety, as well as contributing to the designs of three billboards located on prominent highways in the State. The billboards advertised the OSHA Heat Stand-down, OSHA Fall Stand-down, and the OSHA Safe and Sound Week. In addition, ETTA distributed 44,400 publications to employers and employees across the State. The Publications Desk served 5,325 customers, and the Standards Section answered 3,588 standards inquiries.

At 2.7, the state's total recordable case rate for Calendar Year (CY) 2016 was the lowest in program history. This data was released by the Bureau of Labor Statistics (BLS) in November 2017, and it is the most current data available. In addition, The State experienced its lowest recordable DART rate for all industries, including state and local government of 1.4 in CY 2015, and it remained at 1.4 for CY 2016. OSHNC will continue working to develop strategies that can further reduce these rates during the next year.

NORTH CAROLINA DATA

Total Recordable Cases (TRC) and Days Away Restricted and Transferred (DART) Rate Comparison*

CY 2016*	North Carolina		National Average		Comparison
TRC Rate	2.5	2.7*	2.9	3.2*	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.

*CY = Calendar Year

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, who, as a constitutional officer, is an elected official. The Commissioner of Labor currently and during the period covered by this evaluation 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.

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 Bureau. The main office and a district office are located in Raleigh, with four additional offices located in Asheville, Charlotte, Winston-Salem, and Wilmington. There are a total of 231 positions funded under the 23(g) grant, with 98 of those positions 100% State funded. This includes 64 safety compliance officers and 44 health compliance officers assigned to district offices throughout the State. Additional safety and health professionals work in Education, Training, and Technical Assistance with responsibilities related to training, development of

outreach materials and standards. There is also one Health Compliance Officer and two Safety Compliance Officers in EDB.

Worker protection from discrimination 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 discrimination, in addition to discrimination that falls under the jurisdiction of the State Plan.

Private sector onsite consultative services are provided through a 21(d) Grant with the North Carolina Department of Labor. There are 27 positions funded under the 21(d) grant, including consultants, administrative staff, and managerial employees. Four of the 21(d) personnel are 100% State funded. Public sector 23(g) grant consultative services, enforcement, and compliance assistance activities, are accomplished by the same staff, in accordance with established consultation procedures in the same manner followed in 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 2013 through FY 2017.

FY 2013-2017 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
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
2014	5,302,500	5,302,500	8,043,163	18,648,163	71.57
2013	5,272,000	5,272,000	7,300,194	17,844,194	70.46

B. Major New Issues

North Carolina Occupational Safety and Health Division has taken various actions to increase safety and health professional pay to be more competitive with the private sector. One such action was a policy change that has resulted in 187 pay increase actions from 2015-2017 associated with certifications and credentials. This recognition of professionalism appears to be impacting the division's overall strategy to retain experienced safety and health professionals. In State Fiscal Year (SFY) 2017 the N.C. Legislature provided special salary adjustment funding that enabled the OSH Division to provide modest increases to the majority of safety compliance officers. In addition, the N.C. Legislature provided an additional \$500,000 for salary adjustments for the majority of safety and health professionals, within the OSH Division. As a result, The OSH Division experienced a significant decrease in the compliance safety and health officer (CSHO) vacancy rates in FFY 2017. As a result, there has also been a significant increase in new staff completing their training and being released to conduct independent inspection activity. Due to this improvement, there has been a 3% increase in the number of inspections conducted in FY 2017 vs FY 2016.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. FY 2017 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 a full on-site case file review. The case file review was conducted at the North Carolina State Plan office during the timeframe of January 16-19, 2017. A total of 136 safety, health, and whistleblower inspection case files were reviewed. In addition, three Partnerships, two Alliances, and ten Carolina Star sites were reviewed. The safety and health inspection files were randomly selected from closed inspections conducted during the evaluation period Oct 1, 2016, through September 30, 2017. The selected population included:

- Twenty-Four (24) fatality case files
- Ninety-Three (93) complaint, referral, and programmed case files
- Six (6) Public Sector 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 (Appendix D)
- State Information Report
- 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 2017 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 2017, ETTA offered 249 hours of formal training, 210 hours of continuing education, and 19 hours of other job-related training to internal personnel. ETTA conducts OSHA Technical Institute (OTI) equivalent training for OSH Division compliance staff. The North Carolina OSH Division Directive, Operating Procedure Notice (OPN) 64E, establishes the policies and procedures for the initial training of compliance staff, and with few exceptions mirrors OSHA's 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.

A review of selected training records revealed that newly hired compliance officers are on pace to complete all their required initial training courses, within the specified three year period, as outlined in the OSHA Ted-01-00-019, and the OPN 64E. Senior compliance officers also received formal training on a regular basis.

OSHNC also conducted outreach training, by providing safety and health training to employers and employees throughout the state. In FY 2017, the Office of Training conducted a total of 236 classes for state and local government, and private sector employers. Over 8,600 workers received training in North Carolina.

Statistical Training Information FY 2017

Private sector employers trained	7,048
Public sector employers trained	1,625
Total number of workers that received training	8,673

b) OSHA Information System (OIS)

The State Plan has consistently used OSHA Express, and OIS reports to manage the program, and track OSH 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

North Carolina has an effective internal audit procedure, documented in Administrative Procedure Notice 14. The Director's Office staff conducts regular comprehensive assessments of Bureaus within the Occupational Safety and Health Division, including case file reviews. OSHNC's internal audits are consistent with a third party audit.

An internal audit was conducted in August and September of 2017 to determine, if CSHO's were receiving the required training within the parameters of OPN 64E, before being released. In addition, as part of the OSH quality program, 24 internal inspection report audits were conducted by the OSH Director's Office that covered FY 2017. 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.

A total of 16 action requests were processed by the OSH 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 Federal 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 Action Requests are reviewed during a quarterly management meeting with the Bureau Chiefs and Assistant Director. The Action Requests often result in changes to the FOM.

d) Staffing

Because of funding uncertainty, the State Plan operated with 15 vacancies, as of October 1, 2016. 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 2013	FY 2014	FY2015	FY2016	FY2017
Safety	Benchmark	64	64	64	64	64
	Positions Allocated	64	64	64	62	62
	Positions Filled	51	56	51	50	51
	Vacancies	13	8	13	12	11
	Percent of Benchmarks Filled	80	87.5	80	80	82
Health	Benchmark	50	50	50	50	50
	Positions Allocated	47	45	45	45	45
	Positions Filled	41	38	36	34	41
	Vacancies	6	7	9	11	4
	Percent of Benchmarks Filled	87	84	80	75	91

2. ENFORCEMENT

a) Complaints

North Carolina's procedures for handling complaints and referrals alleging unsafe or unhealthful working conditions are very similar to those of Federal OSHA. These procedures are covered in Chapter IX of the State's Plan's FOM. Inspection data indicates that OSHNC received a total of 2,373 complaints, of which 877 (36%) were complaint inspections and 1,496 (63%) 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 2017 was 4.05, well below the negotiated standard of 10 days. The average number of days to initiate a complaint investigation was 1.7, which is also well below the negotiated standard of 4 days. OSHA selected 15 complaint investigations, and 15 complaint inspections for review, during this evaluation of the OSHNC program. In addition, approximately 12% of complaint inspections were found to be noncompliance.

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 the federal process. OSHNC considers electronic complaints obtained through the federal 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 2017, 825 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 agencies, the media, a Compliance Officer or an employer reporting an injury or illness. OSHNC follows the same procedures as federal OSHA for employer reported referrals. During the review, a few referrals received from employers reporting injuries and illnesses, as required under the recordkeeping requirements did not have sufficient information in the file in order to determine that all of the hazards were abated.

Observation FY 2017-OB-01: Ensure that the Employer Reported Referral files contain evidence to show that all hazards were abated.

Federal Monitoring Plan: The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.

b) Fatalities

Workplace fatalities dropped 27% percent in FY 2017. A total of 35 fatalities were reported to OSHNC in FY 2017, down from 48 the previous year. In addition, 100% fatality inspection cases were responded to within one day, and 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.

Fatality figures for FY 2017 show 12 construction fatalities, which is four less than the same time period last year. OSHNC increased efforts to conduct consultative blitzes in high fatality and activity counties, and identified high fatality, high activity counties for special emphasis. Manufacturing also experienced 12 work-related deaths in FY 2017, and there was no change from FY 2016. From FY 2016 to FY 2017, there were three fewer fatalities in agriculture, forestry, and fishing. The tables below detail the industries, where fatalities occurred in FY 2016, and FY 2017.

FY 2016		FY 2017	
By Industry:	#	By Industry:	#
Construction	16	Construction	12
Manufacturing	12	Manufacturing	12
Transportation & Public Utilities	3	Transportation & Public Utilities	2
Wholesale Trade	1	Wholesale Trade	4
Retail Trade	0	Retail Trade	1
Services	8	Services	0
Agriculture, Forestry, Fishing	6	Agriculture, Forestry, Fishing	3
Government	2	Government	1
Finance: Insurance & Real Est.	0	Finance: Insurance & Real Est.	0
Other	0	Other	0
Total	48	Total	35

OSHNC’s average initial penalty per inspection for fatality cases was \$8,147. Penalties were reduced an average of 31% on citations related to fatalities that were resolved by means of an informal settlement agreement (ISA).

North Carolina’s procedures for investigation of occupational fatalities are effectively the same as those of Federal OSHA. 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 conduct interventions and surveys in the logging and arboriculture industries providing outreach to this highly hazardous industry. Specifically, in FY 2017, the N. C. Forestry Association, Forestry Mutual Insurance Company and the Carolina Logger’s Association collaborated and signed a joint alliance in 2017.

The NC attorney’s office 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 2,719 inspections in FY 2017, of which 1,187 were programmed. Of the 1,187 inspections, 66% 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 are associated with their strategic goal to reduce construction fatalities. According to the SIR, 65.6% of programmed safety inspections and 72.4% of programmed health inspections had violations. Additional data indicates that an average of 2.4 violations were cited per inspection, and that 84.36% of safety violations and 71.27% of health violations were classified as serious, repeat, and willful (SRW).

OSHNC has a variety of Special Emphasis Programs (SEPs) for construction and general industry, some of which are associated with their strategic goals, and some of which are National Emphasis Programs (NEPs). 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 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; and the Accommodation industry. OSHNC also participates in the Federal NEPs, such as Process Safety Management, and Trenching. In FY 2017, OSHNC conducted three process safety management inspections.

During the review of general industry programmed inspections, it was noted that a small number of case files did not include air sampling data, where there was a potential health hazard. Two cases involved isocyanates and one was a spray painting operation.

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

General Industry Programmed Inspections	OSHNC	Construction Programmed Inspections	OSHNC
Average Number of Violations/Inspection (Compared to Total GI Prog. Insp only)	4.1	Average Number of Violations/Inspection (Compared to Total Const. Prog. Insp only)	1.7
In-Compliance Rate (Compared to Total GI Prog. Insp only)	26%	In-Compliance Rate (Compared to Total Const. Prog. Insp only)	36%
% Violations Classified as Serious, Repeat and Willful (Compared to Total GI Prog. Insp only)	53%	% Violations Classified as Serious, Repeat and Willful (Compared to Total Const. Prog. Insp only)	75%

The total in-compliance rate for all safety inspections in FY 2017 was 39.06% and 36.95% for health inspections. The rate for health was within the FRL, but the safety percentage is slightly higher than the FRL of 23.62% to 35.44%; however, State Plan's elevated in-compliance rate for safety may be attributed to a low number of experienced staff.

Observation FY 2017-OB-02: Review current procedures to ensure that monitoring and sampling are used appropriately as part of an investigation.
Federal Monitoring Plan: The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.

d) Citations and Penalties

In FY 2017, the 2,719 inspections conducted resulted in an average of 1.45 SRW violations per inspection and 1.38 non-serious (Other-than-Serious) violations per inspection. OSHNC is slightly below the FRL for SWRU which is 1.46 to 2.20. OSHNC is well within the FRL for non-serious which is .79 to 1.19. Serious violations are categorized as high, medium or low severity serious, for penalty calculation purposes. During the review, it was noted that several violations that would most likely have been classified as serious by Federal OSHA were classified as non-serious by the State. There has been a significant increase in new staff and being released to conduct inspection activity, which could contribute to the inconsistent classification.

In FY 2017, 53% of the citations issued by OSHNC were serious in nature. Additionally, 126 repeat violations and six Willful violations were issued. In addition, OSHNC has a higher enforcement presence in the workplace than the national average. OSHNC also maintained a lower average lapse time from

opening conference to citation issuance date than the FRL (SAMM 11) as referenced below:

Average Lapse Time	OSHNC	FRL
Safety	28.82 days	36.23 – 54.35
Health	30.39 days	44.82 – 67.24

Most case files reviewed included adequate documentation to support the violations. The case files that were reviewed were well documented with very detailed narratives and interview statements explaining the inspection process, the employer's business/processes, findings, and any other issues.

OSHNC's average current penalty per serious violation in the private sector (SAMM 8: 1- 250+ workers) was \$1,596.65 in FY 2017. The further review level (FRL) is less than 25% of the national average \$2,516.80.

Observation FY 2017-OB-03: OSHNC misclassified some violations as Non-Serious that should have been classified as Serious.

Federal Monitoring Plan: The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.

e) Abatement

Case file reviews, available procedures, and inspection data indicate that North Carolina obtains adequate and timely abatement information, and has processes in place to track employers who are late in providing abatement information. Compliance officers are responsible for following up on the abatement of violations for their inspections. Dunning letters are sent to employers, when needed, and supervisors review OIS reports frequently to track the abatement status.

Follow-up inspections accounted for 3% of the total inspections in North Carolina for FY 2017. Follow-up inspections are useful to ensure abatement, if there is a problem with abatement verification. According to the State Indicator Report (SIR) for FY 2017, 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 73 for safety and 37 for health, respectively. In addition, there were 45 valid unprogrammed activities handled as inspections which have been open more than 60 days, and there were 24 valid complaints handled as a phone/fax which were open more than 30 days. OSHNC should ensure that the number of complaints open remains low, so that hazards are quickly eliminated.

f) Worker and Union Involvement

North Carolina's procedures for employee and union involvement are identical to

those of federal OSHA. Case file review disclosed that employees were included in 100% of fatality investigations, and other inspections. This determination was supported by SAMM measure 13.

NORTH CAROLINA DATA

Total Recordable Cases (TRC) and Days Away Restricted and Transferred (DART) Rate Comparison*

CY 2016*	North Carolina		National Average		Comparison
TRC Rate	2.5	2.7*	2.9	3.2*	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.

*CY = Calendar Year

3. REVIEW PROCEDURES

a) Informal Conferences

North Carolina has procedures in place for conducting informal conferences, and proposing informal settlement agreements, and these procedures appear to be followed consistently by District Supervisors. According to the State Indicator Report (SIR), 1.23% of violations were vacated, and 0.83% of violations were reclassified as a result of informal settlement agreements. The penalty retention rate was 82.46% which exceeds the national average of 67.44%. 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 2017, 2.4% of inspections 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 ALAE 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 the Maximum Penalty increase. The tables below provide a complete list of the Federal directives and standards which required action during this period:

Standards Adoption FY 16 and FY 17

Standards Requiring Action	Federal Register Date	Adopted Identical	Date Promulgated
Final Rule on the Implementation of the 2017 Annual Adjustment to Civil Penalties for Inflation	1/18/2017	NA	On hold
Final Rule on Occupational Exposure to Beryllium	1/9/2017	Yes	7/1/17
Final Rule on Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)	11/18/2016	Yes	5/1/17
Interim Final Rule on Maximum Penalty Increases	7/1/2016	NA	On hold
Final Rule to Improve Tracking of Workplace Injuries and Illnesses	5/12/2016	Yes	5/12/16
Final Rule for Occupational Exposure to Respirable Crystalline Silica	3/25/2016	Yes	9/2/16

Federal Program/State-Initiated Changes FY 16 and FY 17

Federal Program Changes Requiring Action and Federal Directive Number	Date of Directive	Adopted Identical	Adoption Date
Enforcement Procedures and Scheduling for Occupational Exposure to Workplace Violence	1/10/2017	No	
Field Operations Manual Directive CPL 02-00-160	8/2/2016	Equivalent	1/1/17
National Emphasis Program on Shipbreaking CPL 03-00-020	3/7/2016	No	
Whistleblower Investigations Manual CPL 02-03-007	1/28/2016	Equivalent	10/18/16
Consultation Policies & Procedures Manual, Directive CSP-02-00-003	11/19/2015	Yes	1/27/16
Mandatory Training Program for OSHA Whistleblower Investigators TED 01-00-020	10/8/2015	Yes	12/1/15
Field Operations Manual Directive CPL 02-00-159	10/1/2015	Yes	4/1/16
Alternative Dispute Resolution Process for Whistleblower Protection Program CPL 02-03-006	8/18/2015	Equivalent	10/18/16

Maximum Penalty Increase

Following the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017 and January 1, 2018, according to the CPI (Consumer Price Index). State Plans are required to adopt both the initial increase, and subsequent annual increases. OSHNC has not yet completed the legislative changes to increase maximum penalties. OSHA will continue to work with OSHNC on this issue.

5. VARIANCES

North Carolina currently has 13 permanent variances, seven of which are multi-State variances approved by Federal OSHA. No variances were issued by the State Plan in FY 2017. 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, public sector employers can be cited with monetary penalties. The penalty structure for both sectors is the same. OSHNC conducted 116 public sector inspections in FY 2017, which accounted for 4.27% of all inspections. In FY 2017, there were a total of 3,168 surveys mailed to public sector employers by the PSIM Bureau to collect 2016 injury and illness data. As of the end of FY 2017, all survey responses have been received, 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 SWR violations for the public sector:

General Industry Programmed Inspections	OSHNC
Average number of violations	2.3
In-Compliance Rate	42%
% violations classified as Serious, Repeat, and Willful	37%

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 Federal OSHA protection from discrimination, 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 discrimination program to determine, whether EDB is following its own policy and procedures, and whether EDB is operating ALAE as OSHA. 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 Federal 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 discrimination protection effectively.

The EDB currently employs four Investigators and one Information Officer. Three of the Investigators report to work at the EDB office in Raleigh, NC; the other one works from an assigned telework location in Asheville, North Carolina. The Information Officer is assigned to the Raleigh office. The program is supervised by a Deputy Administrator (formerly "Bureau Chief"). Four of the investigators have completed the OSHA 1420 course. The EDB previously had five investigators. Two investigator positions are open, and it is anticipated that those will be filled in early 2018. A position has been recently created and filled 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 November 15, 2016. This manual establishes practices and procedures that are as effective as Federal practices and procedures used in the investigation and evaluation of these cases.

From October 1, 2016, through September 30, 2017, EDB received and opened 91 and closed 118 Section 11(c) discrimination complaints. In FY 2017, the Bureau, therefore, closed 27 more Section 11(c) cases than it opened because those 27 cases had been opened before October 1, 2016. Data regarding the disposition of these Section 11(c) complaints are presented below:

Total EDB OSH Cases Opened and Closed FY 2017 (Summary)

	Total
Cases opened in FY 2017 and currently under investigation	13
Cases opened in FY 2017 and closed by investigators in FY 2017	79
Total Cases opened FY 2017	91
Total Cases closed during FY 2017	118
Net Closed over Opened	27

FY 2017 Closed EDB OSH Cases by Determination (Summary)

EDB OSH Right to Sue Cases Closed 10/01/2016 - 09/30/2017		
Determination	Number of Cases	Percentage
90 DAY	33	28%
ADMINISTRATIVE CLOSURE	7	6%
D/RTS	25	21%
MERIT RTS	13	11%
SETTLED	35	30%
UNCOOPERATIVE	4	3%
WITHDRAWN	1	1%
	118	100%

35% of 11(c) whistleblower cases were completed within 90 days, in FY2017 (SAMM 14). This is just below the national average of 41%. The average number of days to

complete investigations was 147 days, which is significantly better than the national average of 227 days (SAMM 16). Additionally, North Carolina had a total Merit Rate of 35% which exceeds the national average of 21% (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, (1) withdrawal, (5) dismissals, and (5) merit cases disclosed Reports of Investigation were well documented, and all logical investigative leads were either completed, or attempted. A Federal Review was previously requested and completed related to two (2) companion cases. The Federal Review concurred with the North Carolina determinations. During the file review, one observation was identified:

Observation FY 2017-OB-04: Cases are not docketed in WebIMIS when notification letters are sent to the parties. In some cases, cases were not docketed until the Report of Investigation was completed or a determination issued. Additionally, (7) files contained copies of the Whistleblower Application while (6) files did not. It is recommended, that copies of the Whistleblower Application be included in the case file as an intake document.

Federal Monitoring Plan: The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.

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) 18I addressing the cooperative agreement programs, and makes clear the distinction between alliances and partnerships. APN 18I, 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 areas in a cooperative manner.

Alliances

The alliance team leader is responsible for coordinating the alliance program. With two exceptions, the procedures defined in APN 18I are the same as Federal OSHA procedures. Those exceptions are that in most instances, North Carolina will only renew an alliance one time. This is due to limited resources, and to afford opportunities for other groups to participate in alliances. The other exception is that North Carolina has alliances with certain safety and health groups within the State that have an indefinite time period.

However, a standard day termination clause, which can be exercised by either party, is contained in these alliances. The audit revealed that having an indefinite expiration period for these alliances is in the best interest of the OSH Division.

North Carolina currently has seven active alliances focusing on special emphasis programs. A randomly selected number of alliances were reviewed and found to contain the necessary information in the files. Safety and Health Council of North Carolina. Forestry Mutual Insurance Company, N. C. Forestry Association, and the Carolina Logger's Association collaborated and signed a joint alliance in 2017. This reduced the total number of alliances and ensures efficient and effective management of the logging related alliances. The Mexican Consulate alliance was renewed in a signing ceremony on August 28, 2017.

Active Alliances	
Carolina Logger's Association	Carolinas Associated General Contractors
Forestry Mutual Insurance Company (FMIC)	Lamar Advertising Company
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)	

Partnerships

A team leader is responsible for coordinating the partnership program activity in North Carolina. The only deviations from the Federal OSHA Partnership requirements defined in APN 18I are that North Carolina's current partnerships only include the construction industry and a particular company is limited to two partnerships within a ten year period, unless a third partnership is approved at the Director or Commissioner level. This limit is set to allow other companies the opportunity to participate in a partnership and to allow North Carolina to have partnerships with varying types of construction projects.

North Carolina's Partnership program includes a provision that partnership participants will not be subject to programmed inspections. This partnership program element has been added to the partnership policy document in consideration of the most efficient use of limited compliance resources. The partnership program includes a quarterly verification inspection of the partnership site. Serious violations observed during the verification inspection must be abated immediately. With this much attention given to companies on the site, it would not be the best use of program resources to conduct any programmed inspections.

The quarterly on-site verification inspections are conducted by a team of OSHNC safety and health employees that include compliance personnel. 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.

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.

In FY 2017, North Carolina had four active partnerships. 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 (Voluntary Protection Programs) (VPP)

Voluntary Protection Program eligibility requirements for Carolina Star are more stringent than the federal program. Employers in North American Industrial 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 19 new Special Star Team Members (SSTMs) during the FY and achieved 23 re-certifications, one promotion and five new Star sites were added for an overall total of 141 Star Sites: 98 Carolina Star sites, 20 Building Star sites, 20 Public Sector Star sites and 3 Rising Star sites. ETTA hosted the 2017 Annual Carolina Star Safety Conference which had 590 registered attendees with a total of 716 in attendance.

A review of selected files revealed that evaluations are conducted in accordance with the Carolina Star Voluntary Protection Program's (VPP), policies and procedures. All required documentation was identified in the VPP files. It was also found that the program actively evaluates incentive programs; however, there was no documentation in the file to determine the outcome of the evaluation.

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 public sectors during FY 2017. For public sector visits, the State had a goal to reach 205 establishments, and did exceed that goal by conducting 223. The number of hazards abated during on-site consultation public sector visits is listed in the

chart below:

Serious Hazards Confirmed Abated		Non-Serious Confirmed Abated	
Total Public	1,029	Total Public	72

OSHNC Consultants are especially committed to public sector 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 public sector 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 public sector clients.

Appendix A – New and Continued Findings and Recommendations
FY 2017 North Carolina Comprehensive FAME Report

FY 2017-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#

None

Appendix B – Observations and Federal Monitoring Plans

FY 2017 North Carolina Comprehensive FAME Report

Observation # FY 2017-OB-#	Observation# FY 2017-OB- # or FY 2016-#	Observation	Federal Monitoring Plan	Current Status
<i>FY 2017-OB-01</i>		Ensure that the Employer Reported Referral files contain evidence to show that all hazards were abated.	The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.	<i>New</i>
<i>FY 2017-OB-03</i>		Review current procedures to ensure that monitoring and sampling are used appropriately as part of an investigation.	The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.	<i>New</i>
<i>FY 2017-OB-03</i>		OSHNC misclassified some violations as Non-Serious that should have been classified as Serious.	The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.	<i>New</i>
<i>FY 2017-OB-04</i>		Cases are not docketed in WebIMIS when notification letters are sent to the parties. In some cases, cases were not docketed until the Report of Investigation was completed or a determination issued. Additionally, (7) files contained copies of the Whistleblower Application while (6) files did not. It is recommended, that copies of the Whistleblower Application be included in the case file as an intake document.	The OSHA Area Office will continue to effectively monitor the State's performance in this area during quarterly meetings, throughout FY 2018.	<i>New</i>

Appendix C – Status of FY 2016 Findings and Recommendations

FY 2017 North Carolina Comprehensive FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)

None

Appendix D – FY 2017 State Activities Mandated Measures (SAMM) Report

FY 2017 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 2017	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	4.05	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)	1.88	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)	1.70	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)	0.74	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%	The further review level is fixed for all State Plans. N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2017.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 1.74	+/- 20% of SWRU: 1.83	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 1.46 to 2.20 for SWRU and from 0.79 to 1.19 for OTS.

Appendix D – FY 2017 State Activities Mandated Measures (SAMM) Report

FY 2017 North Carolina Comprehensive FAME Report

		Other: 1.38	+/- 20% of Other: 0.99	
6	Percent of total inspections in state and local government workplaces	4.27%	+/- 5% of 3.68%	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 3.50% to 3.87%.
7	Planned v. actual inspections – safety/health	S: 1,627	+/- 5% of S: 1,650	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 1,567.50 to 1,732.50 for safety and from 1,140 to 1,260 for health.
		H: 1,092	+/- 5% of H: 1,200	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,596.65	+/- 25% of \$2,516.80	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$1,887.60 to \$3,146.00.
	a. Average current serious penalty in private sector (1-25 workers)	\$1,220.69	+/- 25% of \$1,706.10	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$1,279.58 to \$2,132.63.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,602.04	+/- 25% of \$2,867.94	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$2,150.96 to \$3,584.93.
	c. Average current serious penalty in private sector (101-250 workers)	\$2,513.57	+/- 25% of \$3,952.26	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$2,964.20 to \$4,940.33.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$3,284.64	+/- 25% of \$5,063.48	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$3,797.61 to \$6,329.35.
9	Percent in compliance	S: 39.06%	+/- 20% of S: 29.53%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from

Appendix D – FY 2017 State Activities Mandated Measures (SAMM) Report

FY 2017 North Carolina Comprehensive FAME Report

		H: 36.95%	+/- 20% of H: 35.78%	23.62% to 35.44% for safety and from 28.62% to 42.94% for health.
10	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 28.82	+/- 20% of S: 45.29	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 36.23 to 54.35 for safety and from 44.82 to 67.24 for health.
		H: 30.39	+/- 20% of H: 56.03	
12	Percent penalty retained	82.46%	+/- 15% of 67.44%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 57.32% to 77.56%.
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	35%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	35%	+/- 20% of 25%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 20% to 30%.
16	Average number of calendar days to complete an 11(c) investigation	147	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	1.53%	+/- 25% of 1.26%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 0.95% to 1.58%.

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North Carolina

State OSHA Annual Report (SOAR)

Fiscal Year 2017



December 6th, 2017

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

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PART I - STRATEGIC PLAN OVERVIEW

Program Outcome Goals

On October 1, 2013, North Carolina began its fourth five-year planning cycle as documented in the Strategic Plan (SP). The five-year SP ending on September 30, 2018 includes two primary outcome goals:

- Reduce the rate of workplace fatalities by 2%
- Reduce the rate of workplace injuries and illnesses by 10%

Outcome Goals Results

	Baseline	2014	2015	2016	2017	2018	Reduction
Fatality Rate	.00091	.00103	.000956	.00108			
Injury & Illness Rate	1.5	1.5	1.4	1.4			

Areas of Emphasis Outcome Goals

- Reduce the construction industry fatality rate by 2% by the end of FY 2018
- Reduce the fatality rate in logging and arboriculture by 2% by the end of FY 2018
- Reduce the days away, restricted, or transferred (DART) rate for grocery and related product wholesalers by 10% by the end of FY 2018
- Reduce the DART rate in long term care by 10% by the end of FY 2018
- Support the overall outcome goal of reducing workplace injury and illness rate by 10% by the end of FY 2018 by addressing specific health hazards in the workplace
- Reduce the DART rate in food manufacturing by 10% by the end of FY 2018
- Reduce the DART rate in accommodation by 10% by the end of FY 2018

Areas of Emphasis Activity Goals

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

State Demographic Profile

Sector	Establishments	Employees
Total Private Industry	264,593	3,922,770
Total Public Sector	6,325	617,405

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

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

- Funding cuts and insufficient federal funding requiring the elimination 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)

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- Strategies employed within each area of emphasis
- Resources committed to the areas of emphasis

Program Statistics

Fatality Totals	2013	2014	2015	2016	2017	2018
Total	33	40	42	48	35	
Construction	7	17	15	15	12	
Manufacturing	4	9	7	12	12	
Public Sector	1	1	2	3	2	
Logging/Arboriculture	5	1	5	7	7	
Hispanic	9	11	16	6	8	
Overall Rate	.000532	.001030	.000956	.00108	TBD	

Injury and Illness Rates	2013	2014	2015	2016	2017	2018
TRC (All)	2.9	2.9	2.8	2.7	n/a	
DART(All)	1.4	1.5	1.4	1.4	n/a	
Public Sector TRC	4.0	3.8	3.9	3.6	n/a	
Public Sector DART	1.8	1.8	1.9	1.7	n/a	

Intervention Statistics	2014	2015	2016	2017	2018
Inspections	3,119	2,738	2,635	2,718	
Inspection Goals	4,245	3,440	2,869	2,850	
Consultation Visits	1,421	1,410	1,397	1,618	
Consultation Goals	1,100	1,100	1,110	1,185	
Trained	11,548	10,227	8,762	12,455	
Training Goals	9,600	9,600	9,600	9,600	

Compliance Activity	2014	2015	2016	2017	2018
Serious Violations	3,497	2,909	2,894	2,772	
Willful Violations	10	11	5	6	
Average Serious Penalty	\$1,283	\$1,454	\$1,662	\$1,622	
Follow-ups	136	145	105	74	

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 2018

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 fell by 60%. Even with these reductions, 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.

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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
- 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	2014	2015	2016	2017	2018
Fatalities	30	17	15	16	12	
Rate	.00089	.0093	.0084	.0083	.0060	
Hispanic	N/A	9	6	4	5	

Construction	2014	2015	2016	2017	2018	Total
Inspections	1,255	1,102	967	1,302		
Goals	1,075	1,075	1,100	1,000		
Consultation	221	273	252	398		
Goals	150	150	150	150		
Trained	1,619	2,504	3,069	3,303		
Goals	2,500	2,500	2,500	2,500		

1.2 Decrease Fatality Rate in Logging and Arboriculture by 2% by the End of FY 2018

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 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. In three of the five years of the previous strategic plan, the total number of fatalities was below the baseline number but the final fatality rate did not meet the established goal. 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.

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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	2014	2015	2016	2017	2018
Fatalities	3	2	6	7	7	
Rate	.02644	.0172	.0177	.0221	.0225	

Logging	2014	2015	2016	2017	2018	Total
Inspections	61	54	81	54		
Goals	75	75	60	60		
Consultation	15	15	18	17		
Goals	15	15	15	15		
Trained	280	232	141	94		
Goals	25	150	150	150		

2.1 Reduce the DART Rate in Grocery and Related Product Wholesalers (NAICS 4244) by 10% by the end of FY 2018

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 4.1 which was more than twice the overall DART rate of 1.6. For this reason, this industry has been added as an area of emphasis in the current SP. The first year of any new addition to the SP is designated as a planning year. FY 2014 was a planning year for grocery and related product wholesalers. A strategic management plan committee was established to manage the planning process. This includes developing strategies to achieve

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established goals and determining the appropriate activity level for department intervention including compliance activity, consultation, and training. In FY 2015, Operational Procedure Notice (OPN) 145 was developed 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	2014	2015	2016	2017	2018
DART	4.1	n/a	3.3	3.7	n/a	

Grocery	2014	2015	2016	2017	2018
Inspections	planning year	47	29	20	
Goals	planning year	20	20	20	
Consultation	planning year	6	4	8	
Goals	planning year	4	4	3	
Trained	planning year	2	4	60	
Goals	planning year	25	25	25	

2.2 Reduce the DART Rate in Long-Term Care (LTC) by 10% by the end of FY 2018

While progress has been made in this industry group during previous planning cycles, the baseline rate of 4.7 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.

Strategies for Achieving Specific Outcome Goal

- Conduct OSH compliance, consultation, and training interventions
- Develop and maintain alliances in LTC including the public sector
- 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

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- 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	2014	2015	2016	2017	2018
DART	4.7	4.2	3.5	3.3		

Long Term Care	2014	2015	2016	2017	2018	Total
Inspections	93	64	61	70		
Goals	60	60	60	60		
Consultation	45	67	59	60		
Goals	25	25	25	45		
Trained	123	45	32	35		
Goals	75	50	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 Federal 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

- 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	2014	2015	2016	2017	2018	Total
Inspections	164	142	133	130		
Goals	200	180	100	100		
Consultation	139	181	170	220		

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Goals	100	100	100	100		
Trained	441	395	419	1,266		
Goals	700	400	400	400		

Inspections with Detectable Results

Hazard	Inspections	Samples	Overexposures	Hazard Addressed only
Silica	13	19	11	122
Lead	9	17	6	23
Asbestos	1	2	0	20
Cr(VI)	5	9	0	30
Isocyanates	0	0	0	25
Totals	28	47	17	220

2.4 Reduce the DART Rate in Establishments in Food Manufacturing (NAICS 311) by 10% by the end of FY 2018

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 2.6 in FY 2012 which was more than the overall DART rate of 1.6. For this reason, food manufacturing was carried over to the current five year Strategic Management Plan. The baseline rate for this industry is 3.3 which is the five year average DART rate for the period 2007-2011. Operational Procedure Notice 140 was developed to establish the special emphasis program (SEP) for food manufacturing and 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	2014	2015	2016	2017	2018
DART	3.3	2.5	2.8	2.7	n/a	

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Food	2014	2015	2016	2017	2018	Total
Inspections	32	78	56	42		
Goals	50	50	50	40		
Consultation	18	15	22	24		
Goals	10	10	10	10		
Trained	26	18	13	30		
Goals	25	25	25	25		

2.5 Reduce the DART Rate for Establishments in the Accommodation Industry by 10% by the end of FY 2018

A review of injury and illness statistics identified the accommodation industry (NAICS 721) as a candidate to be added to the state's SP for FY 2014-2018. This employment sector not only had a high DART rate of 3.6 but includes over 2,000 active sites. The first year of the Strategic Plan was designated as a planning year. A strategic management plan committee, representing the entire OSH Division, was established to manage the planning process. This included developing strategies to achieve established goals and determining the appropriate activity level for division intervention including compliance activity, consultation, and training. The 2014 DART rate was significantly below the baseline, so for this year, the accommodation industry was placed in a maintenance mode. The most recent DART rate is still below the baseline. The SEP team will evaluate to determine if this emphasis area needs to be taken out of maintenance mode.

Strategies for Achieving Specific Outcome Goal

- Compile and review inspection data to determine if any trends have developed within the industry that should be addressed
- Create alliances with associations representing employers in the industry group
- Determine appropriate activity level for division intervention including compliance, consultation, and training
- Concentrate on specific industry hazards that have an impact on the overall injury and illness rate
- Prepare and distribute industry specific training materials including PowerPoint presentations, hazard alerts, quick cards, and brochures
- Utilize inspection policy documents that address hazards common to the accommodation industry
- Review injury and illness data to determine appropriate status within strategic plan

Outcome	Baseline	2014	2015	2016	2017	2018
DART	2.3	1.5	2.2	1.7	n/a	

Accommodation	2014	2015	2016	2017	2018
Inspections	planning year	18	n/a	n/a	
Goals	planning year	20	n/a	n/a	

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Consultation	planning year	4	n/a	n/a	
Goals	planning year	4	n/a	n/a	
Trained	planning year	40	n/a	n/a	
Goals	planning year	25	n/a	n/a	

PART III – SPECIAL ACCOMPLISHMENTS: FY 2017

- At 2.7, the State's total recordable case rate for Calendar Year (CY) 2016 was the lowest in program history. This data was released by the Bureau of Labor Statistics (BLS) in November 2017 and it is the most current data available.
- The State experienced its lowest recordable DART rate for all industries including state and local government of 1.4 in CY 2015 and it remained at 1.4 for CY 2016.
- Scott Mabry began duties as the NCDOL Assistant Deputy Commissioner/ OSH Assistant Director in January 2017.
- The Agriculture Safety Health Bureau (ASH) had a change in leadership in FY 2017. Bureau Chief Regina Cullen retired in September 2017 and Beth Rodman returned to the OSH Division as the new ASH Bureau Chief.
- The Western Compliance Bureau Chief Robby Jones retired in July 2017 and Paul Sullivan was named the new Western Compliance Bureau Chief.
- The Division has taken various actions to increase safety and health professional pay in an effort to be more competitive with the private sector. One such action was a policy change that has resulted in 187 pay increase actions from 2015-2017. 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) 2017 the N.C. Legislature provided special salary adjustment funding that enabled the OSH Division to provide modest increases to the majority of safety compliance officers.
- In SFY2018, the N.C. Legislature provided an additional \$500,000 for salary adjustments for the majority of safety and health professionals within the OSH Division.
- The OSH Division experienced a significant decrease in the CSHO vacancy rates in FFY 2017. As a result, there has also been a significant increase in new staff completing their training and being released to conduct independent inspection activity. Due to this

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improvement there has been a 3% increase in the number of inspections conducted in FFY 2017 vs FFY 2016.

- An OSH Advisory Council meeting was held on November 13th 2017 .Two prior meetings were held on April 5th 2016 and November 14th 2016. The OSH Advisory Council provides guidance to the OSH Division on matters related to the OSH Act.
- A total of 16 action requests were processed by the OSH 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 Federal 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.
- An internal audit was conducted in August and September of 2017 to determine if CSHO's were receiving the required training within the parameters of OPN 64E, before being released. There had been a lot of staff turnover and changes in supervisory staff in the past year and it was felt that focusing on this area would help us evaluate if our released staff was receiving the necessary formal training and on-the-job structured training to be able to represent the department with the highest degree of professional expertise. Management is currently working on efforts to improve and streamline this process.
- As part of the OSH quality program, 24 internal inspection report audits were conducted by the OSH Director's Office that covered FY 2017. 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.
- The OSH complaint desk processed 2,526 complaints and 825 referrals in FY 2017. Over 2,351 additional contacts were made with the public that did not result in a valid complaint, along with 90 reports of injuries that were not processed due to the incidents not being reportable to OSH.
- The OSHNC Lab completed 776 in-house equipment calibrations. An additional 96 pieces of equipment were sent to the manufacturer for calibration or repair.
- Six change requests were submitted for the new OSHA Express (OE) data management system along with numerous modifications this past year.
- In FY 2017 OSH transmitted a full year of data from OE to OSHAs Occupational Safety and Health Information System (OIS) via the new interface. OSH and the OE vendor have worked together to ensure that the OE and OIS, State Activity Mandated Measures (SAMM) and State Information report (SIR) reports are providing accurate data.

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- OSH has provided administrative support for the OSHA Legacy Data (OLD) system to clean up all open inspections that were transferred to this database. The OLD system was rolled out in late FY 2016 and early FY 2017, and additional features were added to allow OSHA and State Plans to access and modify pre-OIS inspection files, as necessary. Progress continues to be made with a goal of having all open legacy cases closed as soon as possible.
- OSH was one of ten State Plans to provide a member to the OSHA Injury Tracking Application (ITA) workgroup. This workgroup was formed to help develop OSHA's new electronic injury collection system that was deployed in 2017, for employers to comply with new OSHA 1904 recordkeeping requirements.
- OSH Division Director, Kevin Beauregard, was the Vice Chair for the Occupational Safety and Health State Plan Association (OSHSPA) in FY 2017. He began his term as OSHSPA chair at the beginning of FY 2018. The OSHSPA Board meets with OSHA leadership 3 times a year to plan and coordinate OSHSPA meetings in an effort to better ensure consistency amongst OSHA programs nationwide.
- OSH participated in meetings across the State with the 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 (NCDOL) Commissioner Berry participated in the 2017 Annual Summit on Safety Leadership held at the North Carolina Zoo in Asheboro, NC and 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 Establishing Safety as a Core Value, Motivating Your Safety Teams, How We Train This New Generation, Team Building, and Bridging Safety Quality and Training.
- The OSH Director is on the Advisory Board for the North Carolina Occupational Safety and Health Education and Research Center (NCOSHERC). NCOSHERC is led by the University of North Carolina with collaboration with NC State University and Duke University. The mission of NC OSHERC is to provide high quality education and research training in occupational health and safety sciences for the protection of workers. The Advisory Board meets annually and last met on December 7th 2016.
- The OSH Division was engaged in the following four high visibility construction projects in support of the construction strategic goal:
 - Flatiron/Blythe Development Company:
 - Site #1 Future Piedmont Triad International /Greensboro Eastern Loop - Greensboro.
 - Site #2 Charlotte Douglas Airport Improvements - Charlotte
 - Fluor Enterprises:

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- Site #3 DAPI US Project, Novo Nordisk Facility - Clayton
 - Turner –Rogers: (Joint venture)
 - Site #4 Charlotte-Douglas Airport Concourse A, Expansion Project - Charlotte
- A 2017 onsite 21(d) Consultation audit was conducted by OSHA on February 28th – March 2nd, with the report indicating excellent results. There were three minor recommendations identified that were all addressed shortly thereafter by our staff.
- 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 the FY 2017, 297 interventions were conducted.
- CSB continued to conduct interventions and surveys in the logging and arboriculture industries providing outreach to this highly hazardous industry, despite the limitations the Appropriations Act imposed on OSH compliance activity.
- CSB staff presented at the OSHA National on-site Consultation Conference promoting SHARP construction participation.
- There were 162 private sector companies participating in SHARP at the end of FY 2017.
- There were 4 construction companies participating in SHARP at the end of FY 2017.
- There were 42 public sector establishments participating in SHARP at the end of FY 2017.
- Numerous calls related to Silica were received by CSB for service and sampling was greatly increased in FY 2017. This was expected with the new OSHA silica standards that were implemented. The Consultants work load related to Silica hazards doubled over the past two years.
- CSB participated in an education subcommittee of the NC Forestry Commission and N.C. State Implementation Committee to produce educational materials, in the form of videos, to educate Prologgers. The subcommittee established topics and identified possible volunteers to assist in the production of each segment. A representative from CSB helped create and starred in a section of the DVD that promoted the consultative services of NCDOL.
- CSB mailed 968 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.
- A letter was mailed out to 200 employers in NAICS 4244, Grocery Wholesaler and Related Product Wholesalers, explaining their involvement of the Special Emphasis

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Program and offering services and information from NCDOL's Education Training and Technical Assistance (ETTA) Bureau and the CSB.

- Staff from OSH Compliance, CSB and ETTA continued working with East Carolina University 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 and other equipment OSH has available for inspections, such as gas, dust and ventilation meters.
- CSB has four staff with the certified industrial hygienist (CIH) designation and six staff with certified safety professional designations (ASP or CSP). Two of the staff are dually certified.
- CSB addressed the following overexposures:
 - Noise – General Industry .Permissible Exposure Limit (PEL) 8
 - Noise – General Industry Action Level (AL) 13
 - Noise – Construction (PEL) 1
 - 29 CFR 1910.1000 – 1 overexposure to zinc oxide
 - 29 CFR 1926.55 – 1 overexposure to silica (this was prior to the new silica standard for construction becoming effective)
 - Methylene chloride – General Industry (PEL) 1
 - Methylene chloride – General Industry (STEL) 2
- ETTA revised and distributed the following publications: a brochure for the top ten frequently cited serious standards in 2016, a brochure on the NCDOL alliance and partnership programs, a brochure on hazards and solutions for medical and dental offices, a hazard alert letter on combustible dust, quick cards on aerial lifts and mold, and industry guides for General Industry and Construction Special Requirements.
- ETTA created and distributed a new hazard alert on swimming pool electrical safety.
- ETTA contributed to the designs of three billboards located on prominent highways in N.C. The billboards advertised the OSHA Heat Stand Down, OSHA Fall Stand Down, and the OSHA Safe and Sound Week.
- ETTA added 49 documents to the Field Information System including updates to the Field Operations Manual, new OSH Division policies, and adoption of multiple Federal OSHA Instructions.
- ETTA distributed 44,400 publications to employers and employees across the state, The Publications Desk served 5,325 customers and the Standards Section answered 3,588 standards inquiries.
- Final rules adopted in NC in FY 2017 included new rules for occupational exposure to beryllium (29 CFR 1910.1024, 29 CFR 1915.1024 and 29 CFR 1926.1124), walking-

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working surfaces (29 CFR 1910, Subpart D), and updated recording and reporting requirements (29 CFR 1904).

- OSH conducted technical writing course October 11th-13th 2016 at the Charlotte field office and February 27-March 2, 2017 at the Raleigh field office.
- OSH participated in annual training September 11th-13th. Classes included: case file review, combustible dust, defensive driving, hazard recognition, respiratory protection safety and health management systems and shooter lockdown.
- Two OSH personnel attained the 500 and/or 501 Train-the-Trainer authorization. To be eligible for this program, an 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, five OSH personnel attended the 502/503 refresher courses and were recertified as authorized trainers.
- The NCDOL library loaned out 1,045 safety videos (including 51 in Spanish) and 330 print volumes. Additionally, the library responded to 1,395 information requests, served 488 walk-ins and acquired 291 volumes.
- NCDOL sent out an announcement to 11,591 employers and employees across North Carolina to introduce a special opportunity from the NCDOL Library. The library has partnered with The Training Network, a Durham-based video distributor, to offer access to a wide selection of streaming videos covering various safety and health topics. Many of the videos are also available in Spanish with closed captioning and have online quizzes.
- **ETTA** training section participated in 257 events to include speaker's bureau requests, 10 and 30 hour courses, individual topic workshops, webinars and public outreach fairs and conferences.
- ETTA provides training and outreach services to the Spanish speaking population through delivery of individual topic workshops, 10 Hour construction industry courses and participation in events such as the La Fiesta del Pueblo. A total of 919 Spanish speaking workers were trained in FY 2017.
- In FY 2017, ETTA offered 249 hours of formal training, 210 hours of continuing education, and 19 hours of other job-related training to internal personnel. Courses offered include:
 - OSH 100 (Initial Compliance Course)
 - OSH 125 (Introduction to Health Standards for Industrial Hygienists)
 - OSH 105 (Introduction to Safety Standards for Safety Officers)
 - OSH 141 (Legal Aspects)
 - OSH 345 (Process Safety Management)
 - OSH 123/131 (Accident Investigation/Interviewing Techniques)
 - Case File Review
 - Combustible Dust
 - CPR/AED
 - Defensive Driving

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- Excavation and Trenching
 - Logging Camp
 - NFPA 70E
 - Respiratory Protection
 - Safety and Health Management Systems
 - Shooter Lockdown
 - Technical Writing
-
- The ETTA training section conducted five 10-hour and two 30-hour general industry awareness courses and nine 10-hour and two 30-hour construction awareness courses.
 - The ETTA training section offered one train the trainer refresher course for construction (502) and general industry (503).
 - 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.
 - ETTA provided two public service announcements relating to construction work place hazards. They were broadcast on Hispanic radio across the State. Topics discussed included Heat Stress and Respiratory Protection.
 - OSH participated with Federal OSHA in the National Safety Stand Down to Prevent Falls in construction. The ETTA training section hosted five large training events at construction projects in Raleigh, Fuquay Varina, Chapel Hill and Concord. Labor One was on site for training and personal protective equipment demos.
 - There are currently seven active alliances including Carolinas AGC, Carolina Logger's Association, Forestry Mutual Insurance Company, Lamar Advertising Company, Mexican Consulate, N. C. Forestry Association, and N.C. State Industry Expansion Solutions, National Utilities Contractor's Association of the Carolinas, and the Safety and Health Council of North Carolina. Forestry Mutual Insurance Company, N. C. Forestry Association and the Carolina Logger's Association collaborated and signed a joint alliance in 2017. This reduced the total number of alliances and ensures efficient and effective management of the logging related alliances. The Mexican Consulate alliance was renewed in a signing ceremony on August 28, 2017.
 - In FY 2017, two OSH personnel attained the Certified Industrial Hygienist designation. Certified Industrial Hygienist (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.
 - In FY 2017, five OSH personnel attained the Certified Safety Professional designation. 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.

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- In FY 2017, seven OSH personnel attained the Associate Safety Professional designation. 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).
- In FY 2017, seven OSH personnel attained the OSH Construction Safety Specialist Program (OCSS) certification. 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 (i.e.; frames, trusses, and roofing), Health Hazards, Concrete and Masonry and Material Handling Equipment (i.e.; loaders, bulldozers) and Work Zone Safety. Each course contains a field portion with an emphasis on OSH inspection procedures.
- In 2017, twenty-six OSH personnel attained the Manager of Environmental Safety and Health (MESH), twenty-eight received the Construction MESH, thirty-seven received the Industrial Hygiene MESH, and eight received the Public Sector MESH designation 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.
- ETTA hosted the 2017 Annual Carolina Star Safety Conference which had 590 registered attendees with a total of 716 in attendance.
- The ETTA Recognition Program Section trained 19 new Special Star Team Members (SSTMs) during the FY and achieved 23 re-certifications, one promotion and five new Star sites were added for an overall total of 141 Star Sites: 98 Carolina Star sites, 20 Building Star sites, 20 Public Sector Star sites and 3 Rising Star sites.
- The OSH Safety Awards Program celebrated its 71st year and gave out 2,823 Gold Awards, 591 Silver Awards, and 110 Million Hour Awards. There were 3,994 in attendance and 33 banquets.
- The Planning Statistics and Information Management (PSIM) Bureau mailed 3,168 surveys to public sector employers (collection of calendar year 2016 injury and illness data). As of the end of FFY 2017, 3,115 survey responses were received with a 98.3 percent response rate and **a 100 percent clean rate**.
- PSIM completed an analysis of data collected from the 2013, 2014, and 2015 Public Sector Surveys, resulting in updated, established target rates for employer specific categories.
- 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 2017.
- PSIM Bureau Chief continued to perform duties associated with the responsibility of being the Medical Records Coordinator for the OSH Division.
- PSIM analyzed public sector inspection activities for FFY 2012 – 2016.

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- PSIM analyzed construction inspection activities for FFY 2016.
- PSIM completed FFY 2016 Occupational Fatalities Comparison Report (OFIR Report Analysis).
- PSIM analyzed and verified CY 2016 fatality data for Communications Division's annual press release.
- PSIM continued refinement of the OSH private and public sector databases to supplement our exclusive use of the Division of Employment Security database.
- PSIM received, researched, and processed 1,114 requests for revisions/changes to the private and public sector establishment databases, which helps to enhance the accuracy of these site databases and the OSH Division Targeting System.
- PSIM received and processed 1,488 requests from the public sector for revisions/changes to the Public Sector Injury and Illness Survey database.
- Various targeting schedules were updated and assignments released by PSIM:
 - Public Sector Schedule
 - General Industry Schedules (Safety and Health)
 - ASH Schedule
 - Health Hazards Schedules (Asbestos, Lead, and Isocyanates)
 - Fatality Reinspection Schedule
 - Communication Tower Schedule
- PSIM staff members continued as active Strategic Plan (SP) Committee members and participated in all SP 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 that was initiated for the NCDOL Annual Report, the OSH Annual Program Statistics Report, and various other annual reporting requirements.
- The PSIM Bureau received closed inspection files for FFY 2015 (and older) from the field offices.
- The PSIM Bureau prepared 632 inspection files for scanning and scanned 432 of those files for archiving into the department's file content management system (OnBase).
- The project of quality control review, in PSIM, is continuing and ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- PSIM received 705 disclosure requests during FFY 2017 and processed 665 requests (586 from FFY 2017 and 79 from previous years) during this fiscal year, which resulted in a 94.3% response rate.

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- The ASH Bureau completed 1,853 preoccupancy housing inspections of migrant farmworker housing and 116 compliance inspections. Housing certificates were issued to 1,796 sites with total occupancy (beds) of 22,264. ASH held their Annual Gold Star recognition awards program which was attended by 121 Double Gold Star growers and their guests and 65 Single Gold Star growers and their guests.
- ASH staff presented “Farm and Worker Safety – What You Need to Know About a Farm Inspection!” at the 2017 Southeastern Apple Growers Meeting Sponsored by the North Carolina Apple Growers, Inc. January 10-11, 2017.
- A meeting was held on January 26th with NCDOL management and poultry workers from the Western NC Workers’ Center Workers’ Rights Project and representatives from the Farmworker Advocacy Network (FAN). They had questions about the poultry industry and migrant housing. These questions were discussed and an interpreter was present so that everyone at the table could understand and be understood.
- On May 1st a Migrant Housing Act (MHA) enforcement and inspection report was presented to the North Carolina Chairs, Senate Appropriations Committee on Agriculture, Natural and Economic Resources Chairs, House Appropriations Committee on Agriculture and Natural and Economic Resources.
- NCDOL was instrumental in providing the 2017 “On Farm Training Events” at 11 training sessions in 7 cities, in 5 states (Georgia, South Carolina, Kentucky, Virginia and North Carolina). Responsible for training 1,775 growers and farm workers. Good Agricultural Practices (GAP) coordinated the events. Instruction and training was provided in both English and Spanish.
- The Cultivator an official Newsletter for NC Gold Star Growers was published in November 2016 and again in August 2017.
- North Carolina is #1 nationally in production of flue-cured tobacco and sweet potatoes, both labor intensive, high value crops. Nationally the 7th highest year round migrant and seasonal farm worker activity. North Carolina Department of Commerce estimates approximately 90,000 workers at peak harvest, 22% of those are H-2 A foreign labor.
- Building on their past combined and successful efforts, the NCDOL, the NC State College of Agriculture and Life Sciences video team, and RJR Tobacco have created one safety DVD with multiple farm safety segments. The DVD is composed of 11 bilingual video segments, with each video segment available in both English and in Spanish, running from 5 to 8 minutes each. Specific topics addressed are tractor safety, field sanitation, fork lift safety, green tobacco sickness, heat stress prevention, pesticide information, tobacco baler safety, tobacco harvester safety, wage and hour issues (which includes safe housing), burley production safety issues, and creating a farm safety plan. The ultimate goal of this DVD is to provide guidance for those who farm and work in tobacco so that all employers and employees are aware of the best safety practices and safety and health regulations. The videos are intended for audiences in multiple states, with attention to both flue-cured and burley tobacco.

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- The ASH Bureau chief contributed and collaborated with other NC agencies to write an article published in the Journal of Agromedicine. The article documents how the North Carolina Departments of Health and Human Services, Agriculture and Consumer Services, and Labor have worked with farmers, farmworkers, commodity groups, universities, and cooperative extension agents over the last 25 years to develop programs to decrease the occurrence of occupational injuries and illnesses among agricultural workers. In alignment with the socio-ecologic model, these agencies have also worked with legislators to craft laws, rules/regulations, and policies to ensure these agricultural workers are protected and to also protect the environment where these individuals work.



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KEVIN D. BEAUREGARD
DEPUTY COMMISSIONER/DIRECTOR
OCCUPATIONAL SAFETY AND HEALTH DIVISION

August 3, 2018

Mr. Kurt Petermeyer, Regional Administrator
United States Department of Labor
Occupational Safety and Health Administration
61 Forsyth Street, Southwest, Room 6T50
Atlanta, Georgia 30303

Re: North Carolina's Response to the FY 2017 Federal Annual Monitoring and Evaluation (FAME) Report

Dear Mr. Petermeyer:

The North Carolina Department of Labor's Occupational Safety and Health Division recently received our FY 2017 Comprehensive Federal Annual Monitoring and Evaluation (FAME) report. The report indicated that following a thorough on-site program evaluation including the review of 136 case files, analyses of OSHNC activities, staff interviews, procedure reviews and performance evaluations that OSHA did not note any adverse findings. We were pleased that the results of this latest FAME highlighted performance activities that support that North Carolina continues to maintain an effective state administered OSHA program. As the FY 2017 FAME revealed no findings, no Corrective Action Plan (CAP) is being submitted.

Please express our appreciation to the federal evaluation team members for their efforts during the NC program evaluation process. We look forward to working cooperatively with the OSHA Region IV office and the OSHA Raleigh Area office in the future.

Sincerely,

Kevin Beauregard
Deputy Commissioner of Labor

cc: Kim Morton, OSHA Area Director, Raleigh
Doug Kalinowski, Director of the Office of State Plans