

U.S. Department of Labor

Occupational Safety and Health Administration
Atlanta Regional Office
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW, Room 6T50
Atlanta, Georgia 30303



JUN 13 2019

Kevin D. Beauregard, Deputy Commissioner
North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101

Dear Commissioner Beauregard:

OSHA has completed the FY 2018 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report for the North Carolina Occupational Safety and Health State Plan. Attached you will find the final report which includes the current status since last year's 2017 Comprehensive FAME. The Follow-up FAME reports will be posted on OSHA's public website by Wednesday, July 3, 2019.

The North Carolina Occupational Safety and Health State Plan does not have any open findings in the FY 2018 Follow-up FAME Report and therefore, no CAP is required.

In addition, the North Carolina Occupational Safety and Health State Plan may submit a formal response to this year's report that will be posted on OSHA's public webpage. If you would like your formal response to be posted at the same time as the report, please provide it electronically to me in a Word document format by Thursday, June 27, 2019 with a courtesy copy to Suzanne Smith, Director of the Office of State Programs (OSP) (Smith.Suzanne@dol.gov). Submitting your formal response in Word ensures that the posting will comply with Section 508 of the Rehabilitation Act of 1973 (providing for electronic and information technology to be accessible to individuals with disabilities).

Thank you again for your hard work, support, and cooperation. I am available to answer any questions you may have.

Sincerely,



Kurt A. Petermeyer
Regional Administrator

Enclosure

cc: Kimberley J. Morton, OSHA Area Director, Raleigh

FY 2018 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report

**NORTH CAROLINA DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH DIVISION**



Evaluation Period: October 1, 2017 – September 30, 2018

**Initial Approval Date: January 26, 1973
Program Certification Date: October 5, 1976
Final Approval Date: December 10, 1996**

**Prepared by:
U. S. Department of Labor
Occupational Safety and Health Administration
Region IV
Atlanta, Georgia**



Table of Contents

I. Executive Summary	3
II. State Plan Background	4
III. Assessment of State Plan Progress and Performance.....	6
A. Data and Methodology	7
B. Findings and Observations.....	7
C. State Activity Mandated Measures (SAMM) Highlights	8

Appendices

Appendix A – New and Continued Findings and Recommendations.....	A-1
Appendix B – Observations and Federal Monitoring Plans.....	B-1
Appendix C – Status of FY 2018 Findings and Recommendations.....	C-1
Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report.....	D-1
Appendix E – FY 2018 State OSHA Annual Report (SOAR).....	E-1

I. Executive Summary

The primary purpose of this report is to assess the State Plan's progress in Fiscal Year (FY) 2018, in resolving outstanding observations from the previous FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report by the North Carolina Department of Labor, Occupational Safety and Health Division (OSHNC) 23(g) program. In addition, this report is based on the results of quarterly onsite monitoring visits, the State OSHA Annual Report (SOAR) for FY 2018 and the State Activity Mandated Measures (SAMM) Report ending September 30, 2018. A review of the SAMM data for FY 2018 indicated OSHNC generally met or exceeded federal activity results.

OSHNC made progress in addressing all four observations found in the FY 2017 FAME Report. The State completed action requests related to the observations. The OSH Division's Compliance Bureaus processed a total of 18 action requests. 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 (OPNs) as a result of the quality program action items. The State has taken appropriate corrective action to effectively complete and close all items. No new findings or observations were identified during the FY 2018 follow-up FAME.

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%. OSHNC establishes the framework in an annual performance plan to accomplish the goals in its strategic management plan. Although OSHNC met or exceeded a majority of its program outcome goals, fatalities rose in North Carolina from 35 in FY 2017 to 49 in FY 2018. Specifically, there were 24 construction fatalities, which was an increase of 12 compared to the same time period last year. As a result of the increase, OSHNC conducted compliance, consultation, and training interventions. They also continued to maintain strong working relationships with construction industry groups through partnerships and alliances. OSHNC also identified high fatality, high activity counties and re-inspected those employers with workplace fatalities. Consultative blitzes were also conducted in high fatality and activity counties and Hispanic outreach personnel conducted construction training in Spanish.

At 2.5, the State's Total recordable case (TRC) rate for Calendar Year (CY) 2017 was the lowest in program history. At 1.3, the State's days away, restricted or transferred (DART) rate for CY2017 was also the lowest in program history. This data was released by the Bureau of Labor Statistics (BLS) in November 2018, and it is the most current data available.

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

CY 2017*	North Carolina		National Average		Comparison
TRC Rate	2.3	2.5*	2.8	3.1*	18% Lower than National Average/ 19% Lower than National Average*
DART Rate	1.3	1.3*	1.5	1.6*	13% Lower than National Average/ 19% Lower than National Average*

*All industries, including state and local government. CY = Calendar Year

II. State Plan 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 (ASH) 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 217 positions funded under the 23(g) grant, with 100 of those positions 100% State funded. These positions include 64 safety compliance officers and 44 health compliance officers assigned to district offices throughout the State. Additional safety and health professionals work in ETTA with responsibilities related to training, development of outreach materials and standards, and the Carolina Star Program (Voluntary Protection Program). The worker population in North Carolina consists of approximately 4,279,385 workers, and nearly 261,977 establishments.

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

The North Carolina Department of Labor provides private sector onsite consultative services through a 21(d) Grant. There are 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, following 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 2014 through FY 2018:

FY 2011-2016 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2018	5,326,000	5,326,000	10,018,345	20,670,345	74.24
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

The table below shows the number of OSHNC's full-time and part-time staff as of the end of FY 2018:

FY 2018 Staffing							
23(g) Grant Positions	Allocated FTE* Funded 50/50	Allocated FTE 100% State Plan Funded	Allocated FTE 100% Federal Plan Funded	Total	50/50 Funded FTE On Board as of 03/31/18	100% State Plan Funded FTE On Board as of 03/31/18	100% Federal Plan Funded FTE On Board as of 03/31/18
Managers/ Supervisors (Administrative)	3.2	0	0	3.2	3.2	0	0
First Line Supervisors	11.4	6.7	0.5	18.6	11.4	6.7	0.5
Safety Compliance Officers	31	35	0	66	26	33	0
Health Compliance Officers	10	31	4	45	7	29	2
Discrimination Investigator	0	3	0	3	0	3	0
Public Sector Safety Consultants	1.8	0.4	0	2.2	1.8	.4	0
Public Sector Health Consultants	1	0.8	0	1.8	1	.8	0
Compliance Assistance Specialist	0	0	1	1	0	0	0
Trainers	2	5	0	7	0	4	0
Clerical	11.4	11	2	24.4	11.4	10	1
Other (all					14.1	6.5	

<i>positions not counted elsewhere)</i>	16.1	6.5	2.5	25.1			2.5
Total 23(g) FTEs	87.9	99.4	10	197.3	75.9	93.4	6

*FTE=Full-Time Equivalent

New Issues

None.

Maximum Penalties

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017, January 1, 2018, and January 23, 2019, according to the Consumer Price Index (CPI). State Plans are required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation. December 2018 marked two full years since the first deadline passed for adoption and NC State Plan has not yet completed the legislative changes to increase maximum penalties. Therefore, if the State Plan does not take significant steps to adopt during FY 2019, this issue may be a finding in the FY 2019 Comprehensive FAME Report.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

This report was prepared under the direction of Kurt A. Petermeyer, Regional Administrator, Region IV, Atlanta, Georgia, and covers the period of October 1, 2017 through September 30, 2018. This is the follow-up year and as such, OSHA did not perform the level of case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The report was compiled using information gained from North Carolina's State OSHA Annual Report for FY 2018, interviews with the North Carolina staff, as well as the State Activity Mandated Measures (SAMM) and State Indicator Report (SIR) reports for FY 2018.

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- 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

B. Findings and Observations

No new findings and observations were identified during the FY 2018 Follow-up FAME. The FY 2017 FAME Report identified four observations. All observations were closed during this evaluation period. The observations consisted of case file documentation for employer reported referral abatement, procedures to ensure that monitoring and sampling are used appropriately as part of an investigation, misclassification of some violations as non-serious that should have been classified as serious and cases not docketed in WebIMIS when notification letters are sent to the parties. Appendix B describes the status of the FY 2017 observations in detail.

OBSERVATIONS

Closed FY 2017 Observations

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

Status- Closed: OSHNC has trained their staff that corrective actions associated with employer reported referrals must be reviewed and documented in all OSHNC referral files. Regarding inspections, OSHNC's FOM Chapter 5, Section G. covers abatement verification that is associated with violations. Abatement verification is completed in accordance with 1903.19. The issue of the importance of ensuring all referral files contain documentation associated with corrective actions or abatement was also addressed and discussed at the Statewide Supervisors Meeting on held 8/9/18. The supervisors subsequently addressed the topic with their CSHOs during their District Meetings.

Observation FY 2017-OB-02: Review current procedures to ensure that monitoring and sampling are used appropriately as part of an investigation.

Status- Closed: OSHNC addressed and discussed this at the Statewide Supervisors Meeting held on 8/9/18. The supervisors subsequently addressed the topic with their CSHOs during their District Meetings. OSHNC's FOM Chapter 15 addresses Industrial Hygiene Compliance procedures to be followed by the staff. Section C. 2 specifically addresses determining when sampling is appropriate. Additionally, OSHNC FOM Chapter II section D.7.b also covers sampling procedures during a walkaround inspection. This material is also covered during CSHO documentation training and the OSH 125 course attended by all HCO's. Finally, OSHNC procedures require that health sampling be conducted whenever a substance exposure is alleged by a complainant.

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

Status- Closed: OSHNC addressed and discussed this at the Statewide Supervisors Meeting held on 8/9/18. The supervisors subsequently addressed the topic with their CSHOs during their District Meetings OSHNC FOM Chapter 6 section B5 contains specific procedures for classifying citations. In addition, the Appendices of that Chapter provides additional guidance for determining severity

and for classifying fall violations. OSHNC has also developed very comprehensive specific guidelines for the classification of electrical hazards in Memo ECC1, ECC2. All OSHNC case files are reviewed by supervisors and many case files also have additional review by Bureau Chiefs, Asst. Director and AG's Office. Classification is one of the items that is reviewed.

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.

Status- Closed: Investigators have been instructed to docket a case within three working days of assignment. They are now also expected to print out the "Whistleblower Application" after docketing the case and entering the data.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon 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 triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2018 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure.

Overall, OSHNC is doing well on its SAMMs. For example, in FY 2018, OSHNC resulted in an average of 1.77 violations (serious/willful/repeat/unclassified) per inspection, and a total of 4,717 violations were issued. OSHNC routinely places emphasis on keeping citation lapse times low. According to the SAMM Report, in FY 2018, the average lapse time (in days) from opening conference to citation issuance was 38.20 (safety) and 37.25 (health). These lapse times are well within the further review levels (FRLs). According to the SAMM Report, OSHNC responds timely to complaints. Complaint investigations were initiated within an average of 1.78 days, and complaint inspections were initiated within an average of 4.60 days, which are both well below the negotiated FRLs of four days and ten days, respectively. In addition, SAMM 10 indicates that the State Plan responded to fatalities 100% of the time within one workday. However, the State Plan was outside the FRL on the following SAMMs:

SAMM 7 – Planned v. Actual Inspections – Safety/Health

Discussion of State Plan data and FRL: Actual safety and health inspections significantly declined in FY 2018. OSHNC conducted 2,443 inspections (1,472 safety and 971 health), 82.5% of the planned number of 2,958 inspections. In FY 2017, OSHNC conducted a total of 2,719 inspections (1,627 safety and 1,092 health).

Explanation: This decline is directly linked to the number of trained division personnel released to provide division intervention, the need to maintain vacant positions in response to budget uncertainty, turnover rate and the loss of experienced compliance safety and health officers (CSHOs). In addition, the State Plan experienced a significant hurricane during the week of September 10, 2018. The last three weeks in September required a diversion of resources due to

response to Hurricane Florence. In addition, OSHNC has reported a significant increase in the number of employer-reported accident referrals associated with the OSHA reporting requirements that were implemented in 2015. OSHNC's response to these referrals has resulted in diverting resources that used to be used to conduct inspection activities. Since this is the first year that this State Plan has dipped below the FRL on SAMM 7, OSHA will continue to monitor the situation.

SAMM 8 – Average current serious penalty in private sector - total (1 to greater than 250 workers)

Discussion of State Plan data and FRL: The FRL SAMM 8, for total average current penalty per serious violation (1 to greater than 250 employees) is +/- 25% of the three-year national average of \$2,603.32, which equals a range of \$1,952.49 to \$3,254.15. The North Carolina State Plan's total average current penalty per serious violation (1 to greater than 250 employees) is \$1,776.47, which is lower than the FRL and a cause for concern.

Explanation: The fact that OSHNC has not yet adopted the increase in maximum penalties, impacts the State Plan's performance on this SAMM. OSHA will continue to work with OSHNC on making the legislative changes necessary to adopt the increase in maximum penalties.

SAMM 14 - Percent of 11(c) investigations completed within 90 days

Discussion of State Plan data and FRL: OSHNC completed 23% of their retaliation investigations within 90 days. This is well below the fixed FRL of 100%.

Explanation: The State Plan's performance is just below the national average of 35%. This result does not rise to the level of an observation, but will continue to be discussed at quarterly meetings.

SAMM 15 - Percent of 11(c) complaints that are meritorious

Discussion of State Plan data and FRL: The FRL for percent of 11(c) complaints that are meritorious is +/- 20% of the three-year national average of 24%, which equals an acceptable range 19.2% to 28.8%. The State Plan's percent of retaliation cases that are meritorious is 13%, which is below the low end of the acceptable.

Explanation: The State has committed to providing mediation training for Whistleblower Investigators. The expectation is that they will be trained by the end of 2019. This result does not rise to the level of an observation, but will continue to be discussed at quarterly meetings.

SAMM 16 - Average number of calendar days to complete an 11(c) investigation

Discussion of the State Plan data and FRL: The FRL for average number of calendar days to complete an 11(c) investigation is fixed at 90 days. The average number of days for OSHNC to complete investigations was 155 days, which is above the FRL.

Explanation: OSHNC's performance is above the FRL, but significantly better than the national average of 277 days. This result does not rise to the level of an observation, but will continue to be discussed at quarterly meetings.

Appendix A – New and Continued Findings and Recommendations

FY 2018 North Carolina Follow-up FAME Report

FY 2018-#	Finding	Re commendation	FY 2018-# or FY 2018-OB-#
	None.		

Appendix B – Observations and Federal Monitoring Plans

FY 2018 North Carolina Follow-up FAME Report

Observation # FY 2018-OB-#	Observation# FY 2017-OB-#	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.		<i>Closed</i>
	<i>FY 2017-OB-02</i>	Review current procedures to ensure that monitoring and sampling are used appropriately as part of an investigation.		<i>Closed</i>
	<i>FY 2017-OB-03</i>	OSHNC misclassified some violations as non-serious that should have been classified as serious.		<i>Closed</i>
	<i>FY 2017-OB-04</i>	Cases are not docketed in WebIMIS when notification letters are sent to the parties. In some instances, 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.		<i>Closed</i>

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2018 North Carolina Follow-up FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
	None.				

Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report

FY 2018 North Carolina Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: North Carolina – OSHNC			FY 2018	
SAMM Number	SAMM Name	State Plan Data	Further Review Level (FRL)	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	4.60	10	The FRL is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	1.78	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)	1.78	4	OSHA and the State Plan negotiate the FRL.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.66	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2018. The FRL is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The FRL is fixed for all State Plans.

Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report

FY 2018 North Carolina Follow-up FAME Report

5	Average number of violations per inspection with violations by violation type	SWRU: 1.77	+/- 20% of SWRU: 1.82	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from 1.46 to 2.18 for SWRU and from 0.78 to 1.18 for OTS.
		Other: 1.22	+/- 20% of Other: 0.98	
6	Percent of total inspections in state and local government workplaces	6.67%	+/- 5% of 4.36%	The FRL based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 4.14% to 4.58%.
7	Planned v. actual inspections – safety/health	S: 1,472	+/- 5% of S: 1,857	The FRL 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 1,764.15 to 1,949.85 for safety and from 1,045.95 to 1,156.05 for health.
		H: 971	+/- 5% of H: 1,101	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,776.47	+/- 25% of \$2,603.32	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,952.49 to \$3,254.15.
	a. Average current serious penalty in private sector (1-25 workers)	\$1,219.88	+/- 25% of \$1,765.19	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,323.89 to \$2,206.49.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,714.62	+/- 25% of \$3,005.17	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,253.88 to \$3,756.46.
	c. Average current serious penalty in private sector (101-250 workers)	\$3,012.75	+/- 25% of \$4,203.40	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,152.55 to \$5,254.25.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$4,075.47	+/- 25% of \$5,272.40	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,954.30 to \$6,590.50.

Appendix D – FY 2018 State Activity Mandated Measures (SAMB) Report

FY 2018 North Carolina Follow-up FAME Report

9	Percent in compliance	S: 33.06%	+/- 20% of S: 29.90%	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from 23.92% to 35.88% for safety and from 28.88% to 43.32% for health.
		H: 33.06%	+/- 20% of H: 36.10%	
10	Percent of work-related fatalities responded to in one workday	100%	100%	The FRL is fixed for all State Plans.
11	Average lapse time	S: 38.20	+/- 20% of S: 46.20	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from 36.96 to 55.44 for safety and from 45.25 to 67.87 for health.
		H: 37.25	+/- 20% of H: 56.56	
12	Percent penalty retained	79.07%	+/- 15% of 66.81%	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from 56.79% to 76.83%.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The FRL is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	23%	100%	The FRL is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	13%	+/- 20% of 24%	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from 19.20% to 28.80%.
16	Average number of calendar days to complete an 11(c) investigation	155	90	The FRL is fixed for all State Plans.
17	Percent of enforcement presence	1.35%	+/- 25% of 1.24%	The FRL is based on a three-year national average. The range of acceptable data not requiring further review is from 0.93% to 1.55%.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

North Carolina

State OSHA Annual Report (SOAR)

Fiscal Year 2018



December 13, 2018

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

Table of Contents

PART 1 - STRATEGIC MANAGEMENT PLAN OVERVIEW

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

PART III - FISCAL YEAR (FY) 2017 SPECIAL ACCOMPLISHMENTS

PART IV - SUMMARY

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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	.00091		
Injury & Illness Rate	1.5	1.5	1.4	1.4	1.3		

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	267,754	4,019,329
Total Public Sector	6,355	623,463

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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

- Insufficient federal funding requiring the elimination or freezing of positions

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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

Program Statistics

Fatality Totals	2013	2014	2015	2016	2017	2018
Total	33	40	42	48	35	49
Construction	7	17	15	15	12	24
Manufacturing	4	9	7	12	12	7
Public Sector	1	1	2	3	2	4
Logging/Arboriculture	5	1	5	7	7	5
Hispanic	9	11	16	6	8	11
Overall Rate	.000532	.001030	.000956	.00108	.00091	TBD

Injury and Illness Rates	2013	2014	2015	2016	2017	2018
TRC (All)	2.9	2.9	2.8	2.7	2.5	
DART(All)	1.4	1.5	1.4	1.4	1.3	
Public Sector TRC	4.0	3.8	3.9	3.6	3.8	
Public Sector DART	1.8	1.8	1.9	1.7	1.8	

Intervention Statistics	2014	2015	2016	2017	2018
Inspections	3,119	2,738	2,635	2,718	2,401
Inspection Goals	4,245	3,440	2,869	2,850	2,958
Consultation Visits	1,421	1,410	1,397	1,618	1,691
Consultation Goals	1,100	1,100	1,110	1,185	1,330
Trained	11,548	10,227	8,762	12,455	11,534
Training Goals	9,600	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	2,703
Willful Violations	10	11	5	6	7
Average Serious Penalty	\$1,283	\$1,454	\$1,662	\$1,622	\$1,814
Follow-ups	136	145	105	74	112

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

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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.

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	24
Rate	.00089	.0093	.0084	.0083	.0060	.0118
Hispanic	N/A	9	6	4	5	10

Construction	2014	2015	2016	2017	2018	Total
Inspections	1,255	1,102	967	1,302	1,076	5,702
Goals	1,075	1,075	1,100	1,000	1,000	5,250
Consultation	221	273	252	398	452	1,593
Goals	150	150	150	150	175	775
Trained	1,619	2,504	3,069	3,303	2,035	12,530
Goals	2,500	2,500	2,500	2,500	2,500	12,500

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

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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.

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	5
Rate	.02644	.0172	.0177	.0221	.0225	.0140

Logging	2014	2015	2016	2017	2018	Total
Inspections	61	54	81	54	50	300
Goals	75	75	60	60	60	330
Consultation	15	15	18	17	22	87
Goals	15	15	15	15	15	75
Trained	280	232	141	94	174	921
Goals	25	150	150	150	150	625

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

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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 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	3.7	n/a

Grocery	2014	2015	2016	2017	2018
Inspections	planning year	47	29	20	25
Goals	planning year	20	20	20	20
Consultation	planning year	6	4	8	6
Goals	planning year	4	4	3	3
Trained	planning year	2	4	60	16
Goals	planning year	25	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

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

bloodborne pathogens, tuberculosis, ergonomics, slips, trips, falls, and workplace violence

- Develop materials and training presentations specific to the industry
- Distribute outreach material through direct contact with affected employers
- Properly code inspections for accurate tracking of activity at specific work sites
- Develop procedures to reduce work place violence in LTC facilities

Outcome	Baseline	2014	2015	2016	2017	2018
DART	4.7	4.2	3.5	3.3	3.7	n/a

Long Term Care	2014	2015	2016	2017	2018	Total
Inspections	93	64	61	70	64	352
Goals	60	60	60	60	60	300
Consultation	45	67	59	60	48	284
Goals	25	25	25	45	40	160
Trained	123	45	32	35	43	278
Goals	75	50	50	50	50	275

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

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

Health Hazards	2014	2015	2016	2017	2018	Total
Inspections	164	142	133	130	121	690
Goals	200	180	100	100	100	680
Consultation	139	181	170	220	310	1,020
Goals	100	100	100	100	120	520
Trained	441	395	419	1,266	1,439	3,960
Goals	700	400	400	400	400	2,300

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

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

Outcome	Baseline	2014	2015	2016	2017	2018
DART	3.3	2.5	2.8	2.7	2.5	n/a

Food	2014	2015	2016	2017	2018	Total
Inspections	32	78	56	42	41	249
Goals	50	50	50	40	40	230
Consultation	18	15	22	24	23	102
Goals	10	10	10	10	12	52
Trained	26	18	13	30	30	117
Goals	25	25	25	25	25	125

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 2016 DART rate was significantly below the baseline, so the accommodation industry was placed in a maintenance mode. The most recent DART rate is still significantly below the baseline. The SEP team will evaluate to determine if this emphasis area needs to be taken out of the Strategic Plan.

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	1.4	n/a

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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

- At 2.5, the State's total recordable case (TRC) rate for Calendar Year (CY) 2017 was the lowest in program history. At 1.3, the State's days away, restricted or transferred (DART) rate for CY2017 was also the lowest in program history. This data was released by the Bureau of Labor Statistics (BLS) in November 2018 and it is the most current data available.
- The OSH Division participated in the following OSHA outreach and education initiatives in 2018: Fall Stand Down (May 7-11, 2018), Heat Campaign (kickoff May 25, 2018), and Safe and Sound Week (August 13-19, 2018). Many NC employers and employees participated in these awareness campaigns at various events throughout the state.
- The Division has taken various actions to increase safety and health professional pay in an effort to be more competitive with the private sector. A policy change was made that allows salary adjustments for various professional certifications and designations. This change resulted in 238 pay increase actions from 2015-2018. 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 addition, most safety and health professionals received a 5% salary increase during FY 2018 via a salary adjustment fund provided by the NC Legislature.
- In State Fiscal Year (SFY) 2018 the N.C. Legislature provided a 2% across-the-board salary increase for all state employees, which provided a modest increase to all OSH staff.
- OSH Advisory Council meeting were held on November 13, 2017 and May 2, 2018 the OSH Advisory Council provides guidance to the OSH Division on matters related to the OSH Act. Two meetings are held each Calendar Year. One meeting was held in Asheboro and the other meeting was held in Raleigh.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- A total of 18 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.
- As part of the OSH quality program, 28 internal inspection report audits were conducted by the OSH Director's Office that covered FY 2018. 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 and field office processed 2,419 complaints and 822 referrals in FY 2018. Over 2,859 additional contacts were made with the public that did not result in a valid complaint, along with 118 reports of injuries that were not processed due to the incidents not being reportable to OSH.
- The OSHNC Compliance Bureau conducted 2443 inspection during FY 2018 and identified and corrected over 6100 hazardous conditions, including nearly 4000 that were classified as serious, willful, or repeat violations.
- Over half of all OSHNC Compliance inspections resulted in serious, willful, or repeat citations, with a total penalty assessment of nearly \$7.1 million. However, only 3.3% of inspections had citations that were legally contested.
- The OSHNC Compliance Bureau inspected 45 fatalities during FY 2018, identifying serious, willful, or repeat violations on 77.8% of those inspections.
- The OSHNC Compliance Bureau inspected or investigated 168 accidents resulting in an amputation, plus an additional 30 accidents where an employee was pulled into machinery. In response, the Division is developing a new Amputations Special Emphasis Program (SEP) that is scheduled to be implemented in FY 2020.
- The OSHNC Lab completed 659 in-house equipment calibrations. An additional 97 pieces of equipment were sent to the manufacturer for calibration or repair.
- Three change requests were submitted for the new OSHA Express (OE) data management system along with numerous modifications this past year which included the new Document Management System using the Scanner data module for the OE. The scanner capabilities at each office will allow the OSH Division to work towards having a paperless system in the future.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- In FY 2018 OSH transmitted data from OE to OSHA's Information System (OIS) via an interface. OSH and the OE vendor continue to work together to ensure that the OE and OIS, State Activity Mandated Measures (SAMM) and State Information Report (SIR) reports are providing accurate data.
- OSH continues to provide administrative support for the OSHA Legacy Data (OLD) system. The OLD system was rolled out in late FY 2016, and additional features were subsequently added to allow OSHA and State Plans to access and modify pre-OIS inspection files, as necessary. Progress continues to be made closing NC open legacy case files. The goal is to get all legacy case files closed as soon as possible.
- 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 2-year term as OSHSPA chair near 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 2018 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 OSHA's Temporary Worker Initiative, Business Continuity, All About Drones, and Cybersecurity - The Dark Web, and Contemporary Security Issues.
- 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 April 25, 2018.
- In April of 2018 The National Institute for Occupational Safety and Health (NIOSH), through its Fatality Assessment and Control Evaluation Program (FACE) highlighted and published two North Carolina tree felling fatality cases. NCDOL allowed the investigating CSHO to share firsthand knowledge, interviews, photographs and reports with a FACE health scientist. FACE examines the circumstances of targeted causes of traumatic occupational fatalities and publish them so that safety professionals, researchers, employers, trainers, and workers can learn from these incidents. The primary goal of these investigations is for NIOSH to make recommendations to prevent similar occurrences. NCDOL is always willing to work with other agencies in efforts to reduce or prevent occupational fatalities and injuries.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- OSH compliance developed and implemented an Unmanned Aircraft Systems (UAS) program as a resource for use during compliance inspections requiring aerial photographs or videos. Pilots in all five OSHNC Compliance field offices were identified and passed the FAA UAS Remote Pilot Examination. The pilots went through extensive classroom and hands-on training on the use of the drones. The drones have been successfully deployed on multiple inspections, including a fatality involving a buck hoist on the 19th floor of a building under construction in Charlotte and a suspended scaffold accident on the 18th floor of a building in Asheville.
- On July 31, 2018 legislation passed by the N.C. General Assembly made North Carolina one of the first states to codify the state's premier workplace safety and health recognition program known as Carolina Star. The Carolina Star program is similar to the federal Voluntary Protection Program (VPP).
- A NCDOL Health CSHO was a contributing writer to a chapter in the Handbook of Respiratory Protection by CRC press that was published this year.
- In September 2018 a State of Emergency was declared by the Governor of North Carolina due to the destruction caused by Hurricane Florence. NCDOL suspended compliance activities and went into assistance mode in affected areas of the state, after the storm had passed. OSH Bureau's provided staff to assist in this effort and their primary duties include: identifying the hardest hit areas, monitoring recovery efforts, providing personal protective equipment (1,762), providing occupational safety and health publications (960) and providing consultative safety advice to employees, employers, and homeowners. These efforts were in full effect for approximately 8 weeks at the end of FY 2018 and the beginning of FY 2019. Re-allocating resources has had an impact on the ability for OSH to achieve all activity goals.
- The OSH Division was engaged in the following four high visibility construction projects in support of the construction strategic plan goal through the partnership program:
 - Flatiron/Blythe Development Company:
 - Site #1 Future Piedmont Triad International /Greensboro Eastern Loop - Greensboro.
 - Site #2 Charlotte Douglas Airport Improvements - Charlotte
 - Fluor Enterprises:
 - Site #3 DAPI US Project, Novo Nordisk Facility - Clayton
 - Turner –Rogers: (Joint venture)
 - Site #4 Charlotte-Douglas Airport Concourse A, Expansion Project – Charlotte

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- Through an alliance with Lamar Advertising, 5 digital billboards were posted in areas hit by Hurricanes Florence and Michael. These Billboards included phone numbers and website information for NCDOL, so those impacted could get guidance or information associated with safety and health issues.
- The OSH Division promotes continuing education of our staff and offers occupational safety and health training courses, CSP/CIH professional certification courses and the use of CSP/CIH certification software. The Division firmly believes that providing staff members with quality training and access to certification software allows them an opportunity for self-improvement and it allows us to better serve our customers.
- Two bilingual NCDOL staff presented and participated at the “Labor Rights Educational Forum” put on by the Guatemala Consulate.
- The Consultation Services Bureau (CSB) has a task/measure called “intervention” that is different from onsite visits and is not counted in the program statistics. During FY 2018, 327 interventions were conducted.
- CSB continued to conduct interventions and surveys in the logging and arboriculture industries providing outreach to this highly hazardous industry.
- The OSH Division participated with Federal OSHA in the National Safety Stand Down to Prevent Falls in construction. CSB participated in 16 events across the state which reached and trained upwards of 1400 attendees.
- There were 154 private sector companies participating in the Safety and Health Achievement Recognition Program (SHARP), at the end of FY 2018
 - There were 6 construction companies participating in SHARP at the end of FY 2018.
 - There were 44 public sector establishments participating in SHARP at the end of FY 2018.
 - An NC SHARP Company was highlighted nationally as a success story on the OSHA Website – Grass America.
- CSB mailed 800 letters to employers with an Experience Modifier Rate (EMR) of 1.5 or higher. Tracking last year’s requests from the mailing, the bureau noted that 50% of customers no longer had an EMR above 1.5.
- Staff from 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

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

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 seven staff with certified safety professional designations (ASP or CSP). Two of the staff are dually certified.
- CSB identified and addressed overexposures to noise, lead and Silica.
- In February 2018 Consultation mailed out 180 letters to the Grocery and Related product in conjunction with our Special Emphasis efforts due to an increase in the industry injury/illness rate last year. It is our hope that employers in that industry contact CSB and ETTA for assistance with their safety and health programs. CSB is working with PSIM to develop a database to be able to email these types of correspondence.
- In April 2018 the Consultation program received the Regional Annual Consultation Evaluation report (RACER). There were neither negative findings nor observations, nor were there any recommendations for improvement.
- The **Education, Training and Technical Assistance (ETTA)** Training Section participated in 224 events to include speaker's bureau requests, 10 and 30-hour courses, individual topic workshops, webinars and public outreach fairs and conferences.
- Two OSH Division personnel attained the 500 and/or 501 Train the Trainer Authorization. To be eligible for this program, the employee must be recommended by their supervisor and/or bureau chief. This authorization allows an employee to teach State and Federal 10 and 30-hour courses. In addition, five OSH Division personnel attended the 502/503 refresher courses and were recertified as authorized trainers.
- ETTA provides training and outreach services to the Spanish speaking population through delivery of individual topic workshops, 10 Hour construction industry courses and participation in events such as the La Fiesta del Pueblo. A total of 194 Spanish speaking workers were trained in FY 2018.
- ETTA offered 198 hours of formal training, 167 hours of continuing education, and 35 hours of other job-related training to internal personnel. Courses offered included:
 - a. OSH 100 (Initial Compliance Course)
 - b. OSH 125 (Introduction to safety Standards for Industrial Hygienists)
 - c. OSH 105 (Introduction to safety Standards for Safety Officers)
 - d. Bed Bugs
 - e. Conducting Effective Interviews
 - f. CPR/AED
 - g. Excavation and Trenching
 - h. Fall Protection

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- i. Grain Bin Safety
 - j. Heat Stress
 - k. Health Hazards in Construction
 - l. Hemp Production
 - m. Lockout-Tagout
 - n. Machine Guarding
 - o. Silica in Construction
 - p. Steel Erection
 - q. Technical Writing
- OSH Division's annual training, conducted in September 2018, included health hazards, fall protection, conducting effective interviews, grain bin safety, hemp production and bed bugs.
 - The ETTA Training Section conducted four 10-hour and two 30-hour general industry awareness courses and five 10-hour and one 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.
 - The OSH Division participated with Federal OSHA in the National Safety Stand Down to Prevent Falls in construction. The ETTA Training Section participated in three training events at construction projects in Gaston, Hoke and Wake counties. Labor One was on site for training and personal protective equipment demos.
 - The OSH Division has seven active alliances including Carolinas AGC, Carolina Logger's Association, Forestry Mutual Insurance Company, Lamar Advertising Company, Mexican Consulate, N. C. Forestry Association, NC State University/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. In 2019, the OSH Division will be signing a new alliance with the North Carolina Association of Local Governmental Employee Safety Officials (NCALGESO).
 - ETTA's Standards Section revised and distributed the following publications: a brochure for the top ten frequently cited serious standards in 2017, a brochure on the Carolina Star program, a booklet with toolbox talks on various safety and health topics for the construction industry, and a hazard alert letter on forklifts and material handling.
 - ETTA's Standards Section revised 21 example written programs including: First Aid/CPR/AED, Hazard Communication (general industry, construction and agriculture), Bloodborne Pathogens, Chain Saw Safety, Tree Trimming, Noise, Hearing Conservation Baseline Form, Training Roster (general industry), Confined Spaces (general industry

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

and construction), Confined Spaces Entry Permit (three versions), Personal Protective Equipment Hazard Assessment, Self-Inspection Checklist (four versions), Fall Protection Certification of Training.

- ETТА took the lead role for redesigning the OSH portion of the new NCDOL website. This involved the creation and revision of 82 safety and health topic pages in addition to a new section, *Which OSHA Standards Apply?*, designed to help employers determine which OSHA standards apply to their workplaces.
- ETТА contributed to the designs of three billboards located on prominent highways in N.C. The billboards advertised the Heat Stand Down, Fall Stand Down, Safe and Sound Week.
- ETТА's Standards Section added 33 documents to the Field Information System including updates to the Field Operations Manual, revised OSH Division policies, and adoption of multiple Federal OSHA Instructions.
- ETТА distributed 45,188 publications to employers and employees across the state, The Publications Desk served 4,695 customers and the Standards Section answered 3,638 standards inquiries.
- Final rules adopted in NC included the revised rule for Cranes and Derricks in Construction: Operator Certification Extension (29 CFR 1926 Subpart CC).
- The NCDOL Library loaned out 1,062 items (e.g., safety videos, consensus standards) to NCDOL employees and registered public patrons. Additionally, the library responded to 1,613 information requests, provided streaming video access (via The Training Network NOW) to 286 patrons, and acquired 324 items for the collection.
- Two OSH Division personnel attained the Certified Industrial Hygienist (CIH) certification. CIH is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to the professional practice of industrial hygiene, continues to meet recertification requirements established by the American Board of Industrial Hygiene (ABIH), and is authorized by ABIH to use the Certified Industrial Hygienist designation.
- Five OSH Division personnel attained the Certified Safety Professional certification. Certified Safety Professional (CSP) is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to professional safety practice, continues to meet recertification requirements established by the Board of Certified Safety Professionals, and is authorized by Board of Certified Safety Professionals (BCSP) to use the Certified Safety Professional designation.
- One OSH Division personnel received the Construction Health and Safety Technician certification. Construction Health and Safety Technician (CHST) is a certification awarded by the BCSP to individuals that demonstrate competency in construction safety and health through an examination and recertification requirements.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- Eight OSH Division personnel attained the Associate Safety Professional certification. Associate Safety Professional (ASP) is an independent certification awarded by BCSP. This certification denotes that an individual has met academic requirements and has passed the Safety Fundamentals Examination (the first of two examinations leading to the CSP).
- Ten OSH Division personnel attained the OSH Construction Safety Specialist Program (OCSS) designation. To be eligible for this program, the employee must be recommended by their supervisor and/or bureau chief. This program focuses on advanced construction topics to include, but not limited to Excavations and Trenching, Cranes and Derricks, Fall Protection, Steel Erection, Electrical Safety, Scaffolding, Residential Construction (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.
- Eleven OSH Division personnel attained the Manager of Environmental Safety and Health (MESH), nine received the Construction MESH, ten received the Industrial Hygiene MESH, and nineteen 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's Recognition Program hosted the 2018 Annual Carolina Star Safety Conference which had a total of 652 in attendance.
- ETTA's Recognition Program trained 15 new Special Star Team Members (SSTMs) during the FY and achieved 34 re-certifications, one promotion and 19 new Star sites were added for an overall total of 153 Star Sites: 101 Carolina Star sites, 23 Building Star sites, 23 Public Sector Star sites and 6 Rising Star sites.
- ETTA's Safety Awards Program celebrated its 72nd year and gave out 2,696 Gold Awards, 523 Silver Awards, and 104 Million Hour Awards. There were 4,315 in attendance at 31 banquets.
- The Planning Statistics and Information Management (PSIM) Bureau mailed a total of 3,125 surveys to public sector employers (collection of calendar year 2017 injury and illness data). As of the end of FFY 2018, 3,121 survey responses were received with a 99.9 percent response rate and a 100 percent clean rate.
- PSIM completed an analysis of data collected from the 2014, 2015, and 2016 Public Sector Surveys, resulting in updated, established target rates for employer specific categories.
- PSIM Researched and analyzed Compliance data and coordinated meeting discussions for all bureaus in the OSH Division to discuss and prepare a new 5-year Strategic Management Plan for FFY 2019-FFY 2023.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- PSIM analyzed and drafted a report for all struck-by fatalities for a 10-year period (FFY 2007-FFY 2017).
- 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 2018.
- 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 2013 – 2017.
- PSIM analyzed construction inspection activities for FFY 2017.
- PSIM completed FFY 2017 Occupational Fatalities Comparison Report (OFIR Report Analysis).
- PSIM analyzed and verified CY 2017 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 1,109 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 523 requests from the public sector for revisions/changes to the Public-Sector Injury and Illness Survey database.
- PSIM worked on various targeting schedules that were updated and assignments released for:
 - i. Public Sector Schedule
 - ii. General Industry Schedules (Safety and Health)
 - iii. ASH Schedule
 - iv. Health Hazards Schedules (Asbestos, Lead, and Isocyanates)
 - v. Fatality Re-inspection Schedule
 - vi. Communication Tower Schedule
- PSIM staff members continued as active Strategic Management Plan (SMP) Committee members and participated in all SMP meetings, discussions, and activities, which were essential functions directly related to the success of OSH Division Strategic Management Plan goals.
- PSIM staff participated as a representative from the OSH Division to the Occupational Surveillance Advisory Group.
- PSIM compiled OSH data was initiated for the NCDOL Annual Report, the OSH Annual Program Statistics Report, and various other annual reporting requirements.
- PSIM received closed inspection files for FFY 2016 (and older) from the field offices.
- PSIM prepared 4,236 inspection files for scanning and scanned 2,950 of those files for archiving into the department's file content management system (OnBase).

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

- The project of quality control review is continuing and ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.
- PSIM received 948 disclosure requests during FFY 2018 and processed 862 requests (733 from FFY 2018 and 129 from previous years) during this fiscal year, which resulted in a 90.9% response rate.
- PSIM provided notifications of workplace accidents and fatalities to the North Carolina Department of Commerce, North Carolina Industrial Commission Fraud Investigations Unit of the Insurance Compliance and Fraud Investigation Section.
- In February PSIM sent out a letter, via email, to 1358 County, City and town building permit offices across the state. These efforts were an attempt to collect and inventory all issued Communication Tower related permits. Using this information OSH would be able to contact the companies and provide information and education.
- The Agricultural Safety and Health (ASH) Bureau completed 1865 preoccupancy housing inspections of migrant farmworker housing and conducted 61 compliance inspections. Housing certificates were issued to 1818 sites with total occupancy (beds) of 22,426.
- In January/February 2018, ASH held their Annual Gold Star recognition awards program and hosted 134 Double Gold Star growers and 106 Single Gold Star growers. This program has been promoted and gained so much popularity in the farming community that the once one day awards ceremony has now become a two-day event.
- ASH staff attended and presented at R. J. Reynold's annual tobacco meetings in Oxford (211 growers), Wilson (119 growers) and Winston-Salem (91 growers). A total of 421 tobacco growers received training on frequently cited standards in agriculture, injury/illness reporting requirements, and emergency action plans.
- In March, ASH conducted on farm training at a produce farm in Johnston County. Topics covered included frequently cited standards, injury/illness reporting requirements, emergency action plans, and the compliance inspection process.
- ASH staff attended the 2018 NC Farmworker Institute a presented information about bed bug inspections and the NCDOL complaint process. Groups in attendance included farmworker advocates from around the state, including health outreach workers, migrant education staff, organizers, researchers, and legal services organizations.
- ASH staff participated in "The Business of Farm Labor Contracting", a 6-part training seminar geared towards farm labor contractors that was provided by Wilson Community College. ASH staff provided training on migrant housing regulations, field sanitation requirements, injury and illness logs, and worker training requirements.
- In June, ASH staff providing training to 679 migrant farm workers and 123 growers in three on-farm training events coordinated by Gap Connections. The training took place in Newton Grove, Wilson, and Leasburg, NC and consisted of 8 training stations. ASH

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 North Carolina Follow-up FAME Report

staff trained workers on migrant housing regulations, field sanitation requirements, and venomous snakes and spiders found in NC. Growers received training on the most frequently cited standards, injury reporting requirements, and emergency action plans. Workers and growers also received training on wage and hour regulations, equipment safety, human trafficking, basic CPR, pesticide safety, heat stress and green tobacco sickness.

- ASH staff attended two farm labor contractor workshops hosted by NC Cooperative Extension and provided information to farm labor contractors regarding migrant housing regulations, field sanitation requirements, injury and illness logs, and worker training requirements. Nine farm labor contractors attended the event.
- In August, ASH staff presented at NC Department of Commerce's annual training event. Topics covered included the Migrant Housing Act of NC, the preoccupancy inspection process, and compliance inspections.