

**Kevin Beauregard - Director's Office**

- CY 2020 BLS non-fatal injury and illness rates released late last week
  - TCR - 2.2 all employers, 2.1 private sector 3.0 state government
  - DART – 1.3 all employers, 1.3 private industry, 3.0 state government
  - NAICS 623 (nursing and residential care facilities) – TCR 9.3, DART 7.2
  - NAICS 6231 (nursing care facilities) – TCR 14.7, DART 12.3
- OSHA
  - ETS2 text released 11/4 and published in FR 11/5
    - Applies to private and public sector employers with 100 employees
    - Vaccines required or weekly testing. Employer must obtain and maintain verification proof
    - Employer must maintain test results
  - 26 lawsuits in multiple Circuit Courts filed 11/5
    - Temporary stay issued by 5<sup>th</sup> Circuit Court on 11/6 due to potential constitutional issues
    - OSHA was required to respond to court by 5pm 11/8
    - Litigants required to respond to OSHA's response by 5pm 11/9
    - Since multiple lawsuits filed in different circuit courts, a court will be randomly selected from the pool
    - Selected court will decide if stay should be permanent until hearing is held
  - Many emails, calls, complaints, etc.....
- OE vendor released 2 change requests associated with reporting and extracting, copying to media and/or printing files in a specific file order for FAME review and/or disclosure request. Changes are being tested.
- State Budget – No progress. Likely on hold for 2 weeks. In conference with Governor, House, and Senate.
- Federal Budget – Senate proposal would result in approx. \$540k in additional federal funds for 23g, \$35k for 21d
- OSH Advisory Council Meeting- November 10<sup>th</sup>
  - Moved to LBT, as meeting space not available at RCC
  - Can attend via Lifesize

### **Scott Mabry – Assistant Director’s Report**

- Let Scott know if anyone needs any PPE or COVID supplies, and he will make sure you receive them.

### **Wanda Lagoe – Education, Training and Technical Assistance Bureau**

- Rounding down the 2021 safety award season next week and will be starting up the 2022 season. Had a few cancelations.
- Virtual training and in-person training on the One Stop Shop. Please remind staff to sign up as applicable.
- Working on Statement of Work vendor selection sheet. We selected a local vendor and hope to get it to JS this week.
- Health trainer reposted and should close out soon.

### **Kevin O’Barr - Consultative Services Bureau**

- Chuck’s retirement is 11/16 at 1:00 pm.
- CAPR work is wrapping up. Due to Atlanta 12/1.
- Working on SOAR data for Judyth.
- Preparing CSB public sector files for FAME review.
- Kevin O is off 11/22-11/24. Nelson Edward and Mark Luniewski are the points of contact for the bureau during those days.

### **Beth Rodman- Agricultural Safety and Health Bureau**

- Preoccupancy
  - 2021 stats: 2037 registrations, 1967 inspections, and 1927 certifications, 581 provisionals issued this year, 0 remaining -we are closing out files for 2021 and scheduling compliance for open files as needed.
  - Issued 3 emergency COVID housing certificates
  - 2022: 390 registrations, 23 inspections conducted, 21 certificates issued
  - End of year letter went out week of 10/25/21
- NC Dept of Commerce – received a new signed MOU from DOC.
- Waiting for guidance on 2022 GS meeting.
- 1 open CFR file right now for a poultry inspection (poultry catching crew/forklift accident).
- Fatality meeting for COVID-19 fatality is scheduled for 11/17/21

- ASH IT program: This has been put on a temporary hold. Meeting scheduled for 11/15/21
- Staffing
  - Fully staffed
  - Office staff: 100% vaccinated; CSHOs (teleworkers): 66% vaccinated.
- Current meetings/groups - COVID-19 workgroup (once per month), Migrant Health and Housing (once per month), Farmworker COVID Vaccine task force (once per month), Plant Outbreaks (monthly); farm machinery safety workgroup (periodic); Farmworker Vaccine Plan Project Management Team Advisory Group (twice per month)

#### **Anne Weaver – Planning Statistics and Information Management Bureau**

- PSIM provided reports to Kim Morton of closed Compliance case files for FY 2021. Kim has selected the files she wants to include in the upcoming FAME audit. The selected file lists have been forwarded to Kevin B. for review.
- PSIM contacted IT to make sure there is Wi-Fi access and four extra monitors in the PSIM Bureau area for use during the audit.
- As of November 9<sup>th</sup>, for the Public Sector Survey, there are only three employers representing 11 surveys that remain outstanding. PSIM will continue to contact for a couple more weeks to urge them to submit their data. Any outstanding that remain at the end of this period will be forwarded to Nicole Brown, and she will contact the non-responders.
- There are currently 235 releasable, outstanding disclosure requests pending.

#### **Nicole Brown- East Compliance Bureau**

- Staffing
  - Offered CSHO Jerry Midyette the HCO Trainee position in D7; tentative start date 12/1/21; CSHO Midyette was just taken out on his SCO I checkout inspection prior to the offer; CSHO Midyette will be transferring from D9 to D7
  - Awaiting HR approval to hire recommended candidate for the HCO trainee position in D11
  - Hiring package for HCO Trainee in D10 was signed and forwarded to Director's Office on 11/8/21
  - Submitted posting paperwork for the OEMD/ HCO II position in D9; posted external w/ HR and Director's Office approval
  - 44% of HCO positions filled; 5 released HCOs; 3 HCOs in training; 10 vacant
  - 63% of SCO positions filled; 12 released SCOs; 5 HCOs in training; 10 vacant
  - CSHOs approved for FMLA
    - 1 SCO in training approved for intermittent FMLA in D10
    - SCO I in D7 recently approved for intermittent FMLA

- SCO II in D11 approved for intermittent FMLA
    - District 11 Supervisor has also been approved for intermittent FMLA
  - Admin interviews completed for the Administrative Assistant II position at LBT field office; awaiting notification if they have selected a candidate
- Work Performance (Quarter of the year evaluations)
  - District Supervisors are working with Human Resources to address performance issues. Several CSHOs are being placed on PIPs due to their current performance.
  - The East Bureau is trying to address these issues prior to the interim appraisal period so that CSHOs have an opportunity to improve their work performance.
- High Profile Cases
  - 3 Valley Protein Inspections ongoing: (scheduled pre-hearing conference on 11/18/21 to discuss the files)
    - 318228376 – double fatality
    - 318227923 – complaint (209728161) – involving H2S gas smell (4 complaint items total in the Feed area)
    - 318229317 – media referral; crane toppling over a mini-tractor truck (hospitalization)
- Mountaire Farms 318226933
  - IH monitoring will be conducted; rec'd chips for hydrogen peroxide and peracetic acid; plan to conduct personal air sampling in addition to screening; CSHOs were calibrating
- City of Fayetteville Police Department 318224235
  - CSHO working on GDC
- Draka Elevator Products – 318221694
  - File routed to Director's Office for CFR

#### Paul Sullivan -West Compliance Bureau

- Personnel update
  - Current Status out of 57 CSHO positions (26 Health and 31 Safety).
    - **42 released CSHOs (74%)** – 22 Health (85%) and 20 Safety (65%)
    - 7 CSHO Trainees (12%)
      - SCO Jeffrey Johnson starts on 11/22.
    - 8 vacancies (14%), same as last meeting...all in Charlotte.
- Misc. Information
  - I plan to be on vacation over the week of Thanksgiving (Saturday before Thanksgiving through Sunday after). I will draft a POC to cover prior to leaving.

- Notable fatality cases where citations have recently been issued or are nearing completion:

CURRENT CASES (NOT YET ISSUED)

- **Hounds Ear Club, Inc. (318221348)** – fatality where an employee cleaning gutters from the roof fell 20 feet to his death. CSHO is recommending citations for one WS and one S violation, with a total penalty of \$33k. Victoria does not agree with the willful designation. The file has been approved by the Director's Office and should be issued in the next couple days.
- **3M Company dba 3M Scott Fire and Safety (318223138)** – fatality where the HR employee was asphyxiated while transporting 200 pounds of dry ice in her personal vehicle after purchasing it at Harris Teeter with the company credit card. The CSHO is recommending citations for one willful serious, one serious, and one NS violation, with a total proposed penalty of \$82k. File is at the Director's Office for review.
- **31-W Insulation Company (318223740)** – fatality where a truck backed-up and ran over an employee who was loading product into the truck. CSHO is currently recommending three serious violations, with a penalty of \$12,975. The file has been approved by the BC and was just routed to the Director's Office for review.
- **S.M. Smith and Sons, Inc. (318220688)** – fatality where the operator of a Caterpillar compactor was ejected and killed when it rolled over. CSHO is recommending one citation for not using a seat belt, with a \$4200 penalty. The file has been fully approved and is set for citation issuance and hand delivery this Friday.
- **Waste Management of the Carolinas (318222080) and City of Winston-Salem (318222098)** – fatality where the Waste Management employee was struck and killed by a bulldozer operated by the City of WS at the Hanes Mill Road landfill. The CSHO is recommending one GDC citation against the City of WS for not establishing and implementing methods to ensure pedestrian safety on the tipping floor, with a \$6300 penalty. The file is currently under review by the BC, but still needs to go to Victoria for review.

PREVIOUSLY ISSUED FATALITIES

- **Barnes Backhoe & Grading Inc. (318220431)** – fatality where a worker in a 7'2" deep trench died when the side wall of the trench collapsed. Citations were issued 9/30/2021 for one willful serious violations (lack of a protective system) and five serious violations. The current proposed penalty is \$39,200. The citations were

received on 10/13/2021 and an IC requested the next day. The DS is currently working on an ISA.

- **Loren Dockery & Cleaston Dockery dba Slew Foot Logging (318221165)** – fatality where a 64-year-old was felling trees and was struck by the butt of the tree when it kicked-up. Citations were issued 9/23/2021 for two violations – one serious for the lack of first aid training and one NS for the failure to report the fatality. The total proposed penalty is currently \$3000. An ISA was sent to the ER on 10/15/2021 reducing the penalty to \$2400.
- **Bassett Furniture Industries of North Carolina LLC (318215068)** – fatality where an employee of a manufacturing plant was cleaning wood chips deposits on the roof and fell through a skylight. Two serious violations, including one classified as willful serious, with a proposed penalty of \$77,000 was issued on 8/25/21. Following the IC, an ISA has been proposed reclassifying the citation from WS to Serious but keeping the full penalty (plus stipulations). The ISA was executed on 10/12/2021 and the penalty has been paid in full.

#### **Judyth Forte – State Plan Coordinator**

- Putting SOAR together. Please get to me any meetings, work groups, speaking engagements that I may not be aware of.
- ETS meetings and information has been ongoing.
- Working with Kim on the FAME – Federal participants will be: Kim, David, Clarence, Tom (Region 4 State Programs Manager), Liz (Kim's SC staff member) and Bill will work with Harriet.
- Quarterly Meeting was on 11/5. Good meeting. Kim stated SAMM & SIR numbers look good. Only ongoing issue is penalties.
- BLS Data came out.
- NOK – Sanderson Farms asking for an update. (still waiting on hearing date)
- Attorney called requesting file .Sent to PSIM.