

# OSHNC UPDATE

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Not All Super Heroes Wear Capes



# MAY 2022

## Ask the Director

**Question:** I have read that OSHA has initiated a three-month inspection blitz of hospitals and long-term care facilities that handle COVID-19 patients as a way to prepare for a future surge of the virus. OSHA inspectors will be looking for evidence that past violations have been corrected or are in the process of being corrected. Healthcare facilities will need to show inspectors their emergency preparedness plan in the event that a new variant causes patient populations to swell, as previous variants have done. Employees will also have to provide worker illness logs and personal protective equipment inventory, as well as to demonstrate to inspectors that they know how to use PPE such as respirators properly. How is NCDOL going to handle this?



**Answer:** On March 2, 2022, OSHA issued a memorandum to their Regional Administrators and State Plan designees announcing a new 3-month COVID-19 focused inspection initiative. OSHA indicated that the intent of the initiative was “to magnify OSHA’s presence in high-hazard healthcare facilities over a three-month period (March 9, 2022 to June 9, 2022), to encourage employers in these industry sectors to take the necessary steps to protect their workers against the hazards of COVID-19”. The emphasis program will focus on conducting follow-up or monitoring inspections, in hospitals and skilled nursing care facilities, where OSHA previously issued a hazard alert letter or citations associated with COVID-19 related conditions covers. The memorandum also indicated OSHA would continue conducting outreach on COVID-19.

The referenced memorandum was provided to OSHA approved State Plans for informational purposes and consideration. Upon receipt of the memorandum, OSH NC reviewed it and determined that our State Plan would not participate.

This decision to not participate in OSHA’s 3-month temporary emphasis program was made based on many factors such as, but not limited to the following: 1) On December 27, 2021, OSHA withdrew the non-recordkeeping portions of the healthcare ETS. This means that there are no longer specific COVID-19 standards to enforce in the healthcare industry. The memorandum indicates any hazards noted will be addressed by existing OSHA standards and the general duty clause 2) OSHA also announced on December 27, 2022, that they decided to retain the COVID-19 log and reporting provisions of their Emergency Temporary Standard (ETS) for Healthcare. However, OSHA did not go through the rulemaking process or post a notice in the Federal Register to do so, and these standards were promulgated under a now expired ETS. There is no option in NC to enforce parts of an expired federal ETS; therefore, NC must go through the standard NC rule-making process to enact COVID specific recordkeeping standards. Until rulemaking is completed, previous provisions of OSHA ETS are not enforceable in NC. This year is a short legislative session in NC, which typically does not allow new rules to be brought forward. NCDOL will begin the rulemaking process. However, should the rule receive 10 or more objections during the process it will require ac-

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tion by the Legislature which may not occur until next year. . OSHA was made aware of this and understands the issues that their actions have created in NC. 3) In early January 2022, OSHA announced that they planned to issue permanent COVID-19 standards for the healthcare industry within the next six to nine months (June-September). OSHA will not reveal what will be included in these standards until the rulemaking process is complete. Once new standards are issued by OSHA, State Plans would be required to adopt equivalent standards within 6 months. State Plans would need to train employers, employees, and staff on any new standards issued. Initiating a focused COVID-19 healthcare inspection emphasis program prior to OSHA issuing new COVID-19 standards for the healthcare industry will likely be confusing to employers, employees, and staff. 4) NC has conducted numerous inspections over the past two years in the NAICS covered by OSHA’s new focused inspection initiative. In addition, NC currently has a special emphasis inspection program for Long Term Care Facilities (OPN132H). As part of OPN 132H, programmed planned inspections are already scheduled for half of the NAICS codes covered by OSHA’s new focused inspection initiative. Additionally, many of the COVID-19 related inspections conducted over the past few years were associated with work-related fatalities. Per OPN 95I follow-up inspections are supposed to be conducted on fatalities one year after the event date. CSHOs also can currently recommend follow-up inspections on any inspections where they believe it is warranted. 5) OSHNC already either investigates or conducts inspections associated with all valid COVID-19 related complaints and referrals in the NAICS covered by OSHA’s new initiative and 6) The NC State Plan has utilized many resources over the past few years to limit the impact of COVID-19 in healthcare settings. These activities have included but are not limited to the following: conducting programmed inspections, conducting unprogrammed inspections (referrals, complaints, fatalities), conducting investigations, conducting healthcare stakeholder meetings, development of healthcare specific training resources, conducting healthcare specific COVID-19 webinars, and conducting healthcare specific COVID-19 consultations.

The pandemic has required the OSH Division to divert many resources away from the areas that we believe need attention. The recent significant decline in COVID cases allows us an opportunity to re-focus our efforts in previously identified emphasis areas. The NC State Plan will continue to address COVID-19 exposures in the workplace, as necessary. However, for all the reasons stated above, OSH management has decided that an additional temporary emphasis program is not necessary in NC. There are many different types of industries and workplaces throughout NC. The OSH Division has identified NC industries, workplaces and processes that have higher than average injury, illness, and fatality rates. To successfully achieve our division goals of reducing workplace injury, illness, and fatality rates, we must focus on those worksites and industries that are experiencing the highest number of incidents.

## Partnership agreement signed

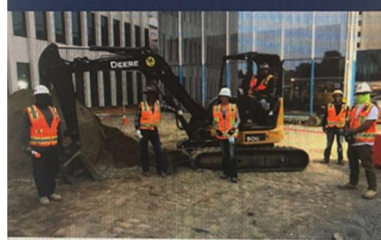
In March 2022, contract development and manufacturing organization Fujifilm Diosynth Biotechnologies selected Holly Springs, North Carolina as the site of its latest addition to its biomanufacturing network. The 1.8-billion-dollar facility will offer large-scale cell culture manufacturing of bulk drug substance production. The facility will also provide commercial scale, automated fill-finish and assembly, packaging, and labeling services. It is expected to be operational by spring 2025. The project will be one of the largest in North Carolina with about 2million square feet of space.

On April 11, 2022, NCDOL signed a partnership agreement with Jacobs Engineering Group who will be providing the architect and structural engineering components of the project. The partnership is expected to last until December 31, 2024. The Team Leader is Mark Rasdall and the Co-team leader is Gregory Greene.

## June 2022 is Trench Safety Month!

What is a Safety Stand Down? A Safety Stand Down presents the opportunity for employers to talk directly to employees and others about safety. Please talk to employers that you are in contact with about the **June 20-24, 2022**, Stand Down and encourage their participation in event that are occurring around the state.

### Safety Training and Protective Systems Save Lives



Trench Safety Stand Down Week | June 20–24, 2022





# You Look Familiar. Have you Worked Here Long?



Meet Marcus Bandy.

My journey to safety was not a direct path. After I graduated high school in the 19-hundreds (as my kids like to say) I had no idea what I wanted to do for the rest of my life. So, off to college I went. I floated along at Appalachian State for a couple of years before dropping out, with no degree. Found myself a couple of different jobs (exterminator and a car salesman) before I started working at a vinyl siding factory. Long hours, hard work, and low pay. After seven years of manual labor, a job came open in the Environmental, Health & Safety Department. It was while working in the EH&S department that my manager Dave convinced me to finish college. So, in 2013, I found an online program through Eastern Kentucky University and went back to school. It was nothing like Rodney Dangerfield led me to believe.

Six months into school and Dave called me into his office to tell me that the new plant manager had decided to make some “organizational changes.” Long story short, the entire safety department (both of us) got the axe. Dave left. I stayed on but was sent back where I started, loading trucks in shipping. Talk about a reality check. I updated my resume and started looking for a job. Wasn’t sure where I wanted to go, but I knew the shipping department wasn’t it. That’s when I saw a position with OSHA. That was the answer to what I wanted to be when I grew up. So, I applied for a Safety Compliance Officer position in the Charlotte field office. I wish this were the part in the story where I tell you I got the job and lived happily ever after. But it’s not. I never got a call. But nonetheless, every few months, I would get back online and see a position with NCDOL was open (little did I know), so I would reapply. I did this several times over the next 18 months, all while doing schoolwork and loading trucks in the shipping department for 50+ hours a week.

The next 18 months seemed to drag on. Working 50+ hours a week and taking on 15 hours each semester was tough, especially with three young children. But, in December of 2015, I graduated from Eastern Kentucky and immediately updated my profile on the NCDOL application. A few weeks later, I got a call from Paul Sullivan. OSHA wanted me to come in for an interview. My boss at the time would not approve a day off on short notice, so I called in sick the day of my interview and drove into Charlotte. The interview must have gone well because two weeks later, I was sitting in the breakroom at my old job when Paul called and officially offered me the job. Then the letters started coming. During my first year in compliance, I received at least four rejection letters from Raleigh, thanking me for my interest in working for NCDOL, but a more qualified candidate had been selected. They were probably right.

So, my journey with OSHA began. I started in District 4 on February 22, 2016. I am thankful to have landed where I did. I learned a lot from Paul, Laura Crawford, the other supervisors and CSHOs in the Charlotte field office.

A little time passed and then Covid hit, and we all went to work from home. That was an interesting transition. I went from working in a cubical to working from my kitchen table. My coworkers went from talking about LOTO, amputations, PITs, and confined spaces, to discussing driver’s ed and 3<sup>rd</sup> grade math and reading. A year into Covid and a position came open with Consultative Services. So, I applied and interviewed with Nelson Edwards. That interview must have gone well too because I got the job. I had some great mentors in the West District during my training period.

I truly enjoy what I did with OSH Compliance and what I currently do with CSB. I’m not stuck going into the same building and seeing the same old process every day for the rest of my career. We get to see all types of facilities and affect the lives of 1000s of people every year. I feel like I get paid to be on a behind the scenes tour for “How It’s Made.”

When I am not at work, I enjoy spending time with my wife Andi (yep, that’s her name Andi Bandy), my three kids Eden, twins Emma and Colby, and dog Ellie. We live in Conover, about an hour drive from the Charlotte field office. Between travel baseball, music lessons and dance classes we stay busy. I tried coaching little league for a while, but no thanks, I’ll let some other dads do that. When it is time to unwind, you can find us at The Rock watching App State winning football games, out on the lakes in our kayaks, or hanging out at Holden Beach.

## NCDOL APPAREL SALE



Look out for information and fliers for the NEW - NCDOL APPAREL SALE **MAY 2nd – MAY 20<sup>th</sup>**. Information will be provided as to where to view the full catalogue. All profits will go towards NCDOL the Employee Recognition Banquet in November.

# First Safety Awards Banquet of the 2022 season



On March 30th the Commissioner and ETTA awards staff were at the first in person banquet in Asheboro. This Safety Awards Ceremony kicks off the Service Awards season. The banquets are being updated daily as venues and dates are being confirmed. Follow the link below to find where the nearest one is if you would like to participate.

[Safety Awards Banquets | NC DOL](#)



The Commissioner addressing participants at the Asheboro Safety awards.

# Ben Harris Retirement after 29 years with NCDOL



L-R Ben receiving the prestigious, Order of the Long Leaf Pine from Kevin B. A Certificate of Appreciation from Scott M and fellow Winston Salem Colleagues enjoying the retirement luncheon with Ben.

Ben is one of the many safety & health professionals hired by the NC Department of Labor following the tragic fire in Hamlet in September 1991. Ben started work with the OSH Division of the NC Department of Labor on September 1, 1993, as an Industrial Hygiene Inspector (Health Compliance Officer) in the Winston-Salem field office. He worked in that position for over 10 years then in September 2003, he was promoted to the position of OSH Safety & Health Compliance District Supervisor.

Ben has dedicated his entire career to identifying and correcting safety and health hazards in North Carolina workplaces. Because of Ben's work and dedication to the job, there is no doubt that employees who would have otherwise been seriously injured or killed at work have returned home safely to their families at the end of the day.

## Status of FY Compliance Inspection Goals

Type of Inspection	6th Month Goal	6th Month Actual	FY Goal	% of FY Goal
East Safety Inspections	251	161	502	64%
West Safety Inspections	347	374	693	108%
East Health Inspections	159	56	317	35%
West Health Inspections	219	329	438	150%
Compliance Inspections Total	975	920	1950	94%
East Construction Inspections	210	91	420	43%
West Construction Inspections	315	322	630	102%
Construction Inspections Total	525	413	1050	79%
East Logging/Arborist Inspections	6	2	12.5	32%
West Logging/Arborist Inspections	6	8	12.5	128%
Logging/Arborist Inspections Total	13	10	25	80%
East Health Hazards Inspections	15	11	30	73%
West Health Hazards Inspections	15	19	30	127%
Health Hazards Inspections Total	30	30	60	100%
East LTC Inspections	6	3	12	50%
West LTC Inspections	6	8	12	133%
LTC Inspections Total	12	11	24	92%
Public Sector Inspections Targeted Total	50	41	100	82%
East Grocery & Related Product Wholesale	5	4	10	80%
West Grocery & Related Product Wholesalers	5	13	10	260%
Grocery & Related Product Wholesalers Total	10	17	20	170%
Food Manufacturing Compliance Inspections	13	16	25	128%

## Status of FY Compliance Strategic Goals

Strategic Goal	6th Month Goal	6th Month Actual	FY Goal	% of FY Goal
Program Improvements	525	254	1050	48%
Serious Hazards Eliminated	2050	1298	4100	63%
Total Health Lapse Days	33	53.53	33	62%
Total Safety Lapse Days	30	57.41	30	52%
On-Site Hours/Week HEALTH	3285	1358.5	6569	41%
On-Site Hours/Week SAFETY	3813	1438.9	7625	38%
Logging Fatality Rate Baseline .02623 (7 fatalities average during baseline years)	Goal Rate: .02623	<b>Fatality Rate: .00</b>		<b>On pace for 2 fatalities</b>
		Logging Fatalities: 1	Reduce Rate by .4%	
Construction Fatality Rate Baseline .00088 (32 Fatalities average during baseline years)	Goal Rate:.00088	<b>Fatality Rate: .0014</b>		<b>On pace for 18 fatalities</b>
		Construction Fatalities: 9	Reduce Rate by .4%	
		In Emphasis Counties: 2		

**Key:** Green = meeting or exceeding goal    Blue= within 10% of goal    Orange= less than 90% of goal met  
 \*Total lapse days is determined by the total number of working days from the opening conference to citation issuance.



## Status of FY ASH Compliance Strategic Goals

Strategic Goal	6th Month Goal	6th Month Actual	FY Goal	% of FY Goal
Pre-Occupancy Camps Inspected	900	1543	1800	171%
Certificates Issued	800	1370	1600	171%
Education Material Distributed	1200	4260	2400	355%
Outreach to Hispanic farm workers	100	0	200	0%

## Status of FY Consultation Strategic Goals

Strategic Goal	6th Month Goal	6th Month Actual	FY Goal	% of FY Goal
PRIVATE Consultative Visits	558	605	1115	109%
Hazards Eliminated	2400	2561	4800	107%
Construction Visits	125	203	250	162%
LTC Visits	18	15	35	86%
Documentation of Health Hazards Inspections	63	86	125	138%
Program Improvements	375	665	750	177%
Logging Visits	8	4	15	53%
Food Inspections	6	13	12	217%

## Status of FY ETTA Strategic Goals

Strategic Goal	6th Month Goal	6th Month Actual	FY Goal	% of FY Goal
Total Persons Trained by ETTA	2675	3572	5350	134%
Total Persons Trained in identified areas	750	1157	1500	154%
Publications Distributed	17500	21093	35000	121%
Program Improvements	30	55	60	183%
Construction SEP 30 Hour Course	1	2	1	400%
Construction SEP 10 Hour Course	3	3	5	120%
Logging/ Arborist Events	2	6	3	400%
LTC Events	1	0	2	0%
Health Hazards Events	10	10	20	100%
Public Sector Training Events	3	11	5	440%
Total Star Program Interventions	50	70	100	140%
Total Star Sites (new/recertifications)	10	9	20	90%

**Key:** Green = meeting or exceeding goal Blue= within 10% of goal Orange= less than 90% of goal met

\*Total lapse days is determined by the total number of working days from the opening conference to citation issuance.



Thanks for all you do!  
-Scott M.