

MINUTES OF THE NC DEPARTMENT OF LABOR
ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH
MAY 12, 2022

The NC Department of Labor Advisory Council on Occupational Safety and Health met in person at the Lake Boone Trail office, with the option of virtual attendance using the Lifesize video platform, on May 12, 2022.

The following Council Members attended in person: Robert Carruth, Gloria Bone-Gunther, Debbie Rogers-Lowery, Brian Polk, and Roger Richards. Linda Andrews, Corey Hill, and Russell McCue attended the meeting virtually. The following Council Members were absent from the meeting: Terry Brewington, Jessica Foster, and Ron Ingerick.

NCDOL/OSH staff who attended in person were OSH Director/Deputy Commissioner Kevin Beauregard, Assistant Deputy Commissioner Scott Mabry, Paul Sullivan-- West Compliance Bureau Chief, Nicole Brown—East Compliance Bureau Chief, Jennifer Haigwood—Director of Communication and Policy Development, Erin Wilson—Public Information Officer, John Mallow—Public Information Officer, Susan Mullins-- Executive Assistant to Commissioner Dobson, and Betty Morgan-- OSH Executive Assistant. Commissioner Josh Dobson, Chief of Staff Art Britt, Anne Weaver-- PSIM Bureau Chief, Beth Rodman—ASH Bureau Chief, and Kevin O'Barr-- Consultative Services Bureau Chief, attended the meeting virtually.

The meeting began at 10:00 a.m., and Kevin Beauregard welcomed everyone and explained that he had decided a hybrid meeting (in-person and virtual) was in order. A hybrid format gave several participants who could not attend, including Commissioner Dobson, the ability to do so virtually. He also addressed housekeeping items which included parking, restroom availability, and emergency exits. Kevin stated that since the last meeting, several Council terms expired, and Commissioner Dobson made some new appointments and reappointments. Jessica Foster, Corey Hill, and Gloria Bone-Gunther were reappointed to their positions, and two new members were appointed. Kevin turned the meeting over to Chair Debbie Rogers-Lowery to introduce the new members.

Chair Debbie Rogers-Lowery welcomed everyone and said she was pleased to see the names of the newest members. She stated she had known Russell McCue for around 20 years, and two words come to mind when thinking of Russell: kind and helpful. In addition, he is always quick to respond to her questions and emails. Debbie said Russell worked for NC OSH from 2000 to 2013 and currently works for the city of Charlotte and Mecklenburg County as a Safety Supervisor. She looks forward to continuing to work with him on a regular basis. Debbie was surprised to hear that Roger Richards, the other new appointee to the Council, remembered her from a respirator fit testing that she performed for him over 20 years ago. Roger has an extensive background in safety and risk management and currently works as Safety Director for Sanders Utility Construction in Charlotte, NC.

Commissioner Dobson welcomed the Council members via Lifesize and apologized for not being able to attend the meeting in person. The Commissioner explained he has been traveling to attend a variety of events and award banquets across the state, and it was not feasible for him to be in Raleigh for the meeting. He welcomed new council members Russell McCue and Roger Richards and said that he appreciates them taking the time to be on the Council. The Commissioner stated that it is essential to include all employees and stakeholders in the process and looks forward to their input. He also shared that he feels more comfortable after spending a year and a half in office and is excited about the future and what lies ahead. Commissioner Dobson shared an update regarding OSHA's COVID-related Emergency Temporary Standards (ETS1 and ETS2). He reported the US Supreme Court struck down the ETS2 in January and Federal OSHA then withdrew them. He is glad that this is behind us and that we can get back to protecting the workers of NC from the injuries for which OSHA is known. Federal OSHA withdrew ETS1 in December, and North Carolina followed three months later. He stated that North Carolina is one of the first state plans to adopt ETS1, and he felt it was the right policy at that point in time. Recently, Federal OSHA developed a National Special Emphasis Program on Heat-Related Hazards. NC OSH is considering the adoption of this SEP while gathering feedback from stakeholders; a decision will be forthcoming. The Commissioner attended Workers Memorial Day in downtown Raleigh on April 28. He issued a joint statement with the President of the North Carolina AFL-CIO, MaryBe McMillan; this statement honored the workers in NC that have lost their lives on the job and pledged a commitment to being proactive in the prevention of workplace injuries and fatalities. The Commissioner stated he is committed to setting the tone of cooperation, collaboration, and communication with all stakeholders concerned with workplace safety for North Carolina employees. NC OSH just concluded participation in OSHA's Construction Stand-Down Week, which took place May 2-6, and Safety Award Banquet season is well underway. As someone who likes hands-on governing and policymaking, the Commissioner was initially unsure about his role surrounding the banquets. However, he was genuinely pleased by how much he enjoys traveling the state and meeting the folks who are committed to workforce safety while also being able to communicate the mission of NCDOL.

Chair Debbie Rogers-Lowery agreed that the Commissioner was in his element at the award banquets that she attended this season; the attendees were having a great time meeting and talking to him. Debbie shared an update on the NCDOL participation in the 2021 Toys for Tots drive-by toy collection campaign. In cooperation with all our partners, (including the Department of Justice, State Auditor's Office, Department of Public Safety, NC Electric Membership Corporation, and other financial donors), 1,296 toys were collected, including 10 bicycles/trikes and \$5,985 in monetary donations.

Kevin Beauregard presented the OSH update and overview that Wanda Lagoe typically provides. (See the attached PowerPoint for the OSH update presentation). Wanda is a Certified Safety Professional and needs a certain number of training events to keep her certification current, so she was attending a class at the time of the meeting.

After the presentation, Kevin opened the meeting to questions. In response to the problem of hiring and retaining Compliance Officers, Roger Richards asked whether NCDOL/OSH had tried to target older, mid-late career safety professionals in their recruiting efforts, who may be enticed by the state retirement plan and benefits. Kevin replied that direct recruitment for older candidates hasn't been done. However, historically we have hired a lot of retired military personnel for compliance, consultative, and training positions. Nonetheless, even for retired candidates, the salary expectations are below what is available in the private sector. He said another approach has been to hire safety and health professionals who have the required educational background but not the experience. They are put in a trainee program to become qualified for compliance positions. The process usually takes an average of 3 years to complete and get those employees "cut-loose" to perform independent activities. Kevin welcomes any other ideas and approaches to the issue of recruitment and retention of these positions. Another question concerned the MOU with Occupational Safety and Health and DHHS. Kevin said NC OSH works hand in hand with DHHS in those areas where we have intersecting responsibilities, the areas that fall under their purviews or ours, to enable us to share that information. For example, information concerning lead exposure and asbestos permits. Since everyone can't be everywhere at once, we can all look out for problems and communicate them to the appropriate agency. Debbie posed the question: what type of COVID complaints are we still receiving from employees/employers? Kevin responded that during most of the pandemic there was one valid complaint for every non-valid OSH complaint, however, a non-valid complaint early on could have become a valid one later as new guidance came out regarding COVID-19. Most of our COVID violations have been in the healthcare industry. In January NCDOL had over 400 complaints and in April they were in the single digits. The Complaint Desk sorts through all the complaints, and always tries to be compassionate and understanding, but sometimes the person doesn't want to hear that they don't have a valid OSH complaint that we can investigate or that the complaint falls under the guidance of another agency. Council Member Gloria Bone-Gunther asked: what are some of the things that are under your jurisdiction regarding COVID? Kevin responded that the types of complaints that are under NC OSH jurisdiction are work-related—the employer has the responsibility to mitigate risks for the spread of COVID. This is especially relevant to employees who work in close quarters or are housed together. Employees working in factories and manufacturing, and healthcare facilities are greatly affected, as are firefighters and law enforcement.

There was a 30-minute break for lunch.

Following lunch, Paul Sullivan, West Compliance Bureau Chief, gave a presentation on a recent dry ice fatality. Afterward, a council member commented that about 25 years ago, he had worked in a Purdue meat processing plant where they had large walk-in coolers. He said they used dry ice in these coolers, and they always had a CO₂ monitor present to check for toxic levels. He also mentioned that during the pandemic, health departments were getting large shipments of vaccines that were cryogenically stored, and he had to send out health alerts addressing the shipping and storage hazards when dealing with dry ice.

Debbie thanked everyone for attending and reminded them to check the attendance list to verify their contact information. She also mentioned that Kevin recently contributed to an article concerning lightning strikes in Safety and Health Magazine. She reported that the next Advisory Council Meeting is on November 3rd at Randolph Community College, in the Continuing Education and Industrial Center building. Betty will send out details in the fall. Kevin appreciated Paul taking the time to give his presentation since he was also in the middle of a ventilation conference in downtown Raleigh. He offered Roger and Russell the opportunity to speak if they were so inclined. Roger said he appreciates the chance to serve on the council and thinks anything we can do as a joint effort to protect employees regardless of their field is a good thing. He said one of his foremen called him earlier in the week concerning a trenching fatality in Florida. This foreman was on a project a few years back that was in a partnership agreement with NCDOL. He credits that experience to the foreman looking for those types of accidents and thinks all parties working together benefits everyone. Russell said he was sorry he couldn't attend in person, but was recovering from COVID, and he is looking forward to attending the next meeting. Kevin said there has been a slight surge in COVID cases lately but fewer hospitalizations and was hopeful this trend will continue.

Chair Rodgers-Lowery adjourned the meeting at 1:30 p.m.