

OSHNC UPDATE

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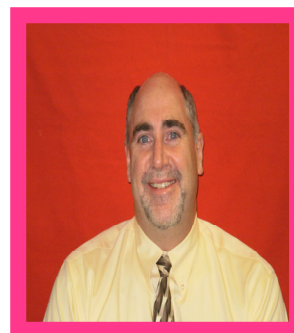
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September 2022

Message from The Director

On September 3, 1991, an industrial fire occurred at Imperial Food Products in Hamlet, NC. The fire at the chicken processing plant resulted in 25 employee fatalities and over 50 employee injuries, which made it one of the deadliest industrial disasters in the history of the United States. The NC OSH program completed a thorough investigation that resulted 83 citation items (54 Willful-Serious, 23 Serious and 6 Non-Serious) and penalties totaling \$808,150. This still stands as the highest fine in our program's history. Additionally, the owner of Imperial Foods pled guilty to 25 counts of manslaughter and was sentenced to 20 years in prison. However, the headlines of local and national papers all questioned the effectiveness of the NC State Plan program. In fact, over 30 years later, this incident is still being brought up whenever there is an alleged issue with any State Plan OSH program.



I applied for a safety compliance officer position with the OSH Division in the Spring of 1991 and had already been through several rounds of interviews, prior to the tragic fire. Shortly after the fire, I found myself in the Labor Building. I can clearly remember sitting in the reception area waiting for my final interview with, then Commissioner of Labor, John Brooks. As I sat in the reception area awaiting my meeting, I was approached by several national reporters with cameras and microphones. The reporters quickly began questioning me about the problems with the NC State Plan OSH program and the cause of the fire at Imperial Food Products and the resulting employee fatalities and injuries. I politely told them the onslaught of reporters that I didn't work for NCDOL and would certainly not want to speculate on causes, and then they asked me what I was doing there. I'm not sure how I responded to that question, but shortly afterwards the questioning from the reporters stopped. However, as I sat there continuing to wait for my meeting among a room full of reporters, I couldn't help but ask myself "Kevin what have you gotten yourself into?". I was still working for the Maryland State Plan OSH program (MOSH) at the time and was really beginning to question my judgment pertaining to pursuing a career with an NC OSH program that was clearly going to be under a lot of public scrutiny.

I was offered a safety compliance officer position in the Winston-Salem office, that I accepted. However, not before some soul searching and securing a two-year leave of absence from MOSH with a stipulation that I could return to my job there. I

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rationalized to myself that there would likely be a lot of challenges going to work with a program that was in turmoil, but there should also be some opportunities to have a real program impact. I started working for NCDOL’s OSH Division in October 1991. After an orientation in Raleigh on my first day, I showed up to an empty Winston-Salem office. Due to severe staffing shortages, all the Winston-Salem based OSH employees were in Hamlet working on the fatality inspection at Imperial Food Products. I believe at the time there were only about 12 “cut-loose” compliance safety and health officers (CSHOs) statewide. I think it was several weeks before I eventually met my supervisor, Frank Trogden. I showed up to a mostly empty office every day, for about the first 3 months of my employment, and read every Federal and State manual and directive I could get my hands on. I did this mostly to learn the job, but also to fight off boredom. If only I had ready access to the internet in 1991!

My first year with NCDOL there definitely was a lot of statewide and national scrutiny of the NC State Plan OSH program, as I had envisioned. The program received a very negative evaluation from OSHA regarding staffing levels and program effectiveness. The NC State Plan was being mentioned in the halls of Congress and not in a good way. Frankly, it was not a great time to be tied to NCDOL or the NC OSH program. The NC program did not have State Plan final approval status at that time, and as a result OSHA exercised concurrent jurisdiction in the state. This was an action never previously taken against any State Plan. The result was that NC employers statewide were being inspected by both federal and state CSHOs. The NC Legislature passed numerous new worker safety laws that were to be enforced by the OSH Division and established many new compliances officer positions. The number of CSHO positions within the program more than doubled overnight, and other Division positions were also added. Commissioner Brooks lost the statewide primary election and Commissioner Harry Payne was elected in the Fall of 1992.

The NC State Plan program was on very shaky ground and had to put in a lot of effort to restore program integrity and to reach a status level that was considered “at least as effective as” OSHA. One area that OSHA focused on was the significant backlog of OSH discrimination cases. I soon found myself assigned to a team, along with several other CSHOs, that worked on nothing but backlogged OSH discrimination cases for about a year. That was hardly what I had originally signed up to do, but it did help to enhance my interviewing techniques, that proved to be very valuable later in my career. I later held the following positions within the OSH Division: Compliance District Supervisor, Asst. Deputy Commissioner/Asst. OSH Director, and Deputy Commissioner/OSH Director.

Over the years, I have witnessed the NC State Plan transform from a program under turmoil to a program considered to be one of the best in the nation. A lot of OSH Division employees worked very hard to make that happen. In 1995, the OSH Division received Final Approval status from federal OSHA. To reach that milestone in that short amount of time is amazing, considering less than 4 years earlier the program’s future was in serious doubt. The Final Approval certificate is proudly displayed on a wall outside of the OSH Director’s Office along with the signatures of 176 dedicated OSH Division employees that made it happen. Over the years that have elapsed since that time, the OSH Division staff has continued to make sure that the NC OSH program has maintained our reputation as one of the primary leaders in occupational safety and health.

For the past 23 years it has been my honor and privilege to work for the North Carolina Department of Labor’s Division of Occupational Safety and Health Division. I have been fortunate to work with so many great OSH Division employees over the years. Whenever I have been asked by other State Plan Directors as to what I think is the key to maintaining an effective State Plan OSHA program, I have always included in my response that I believe the key is to surround yourself with talented, knowledgeable, and dedicated employees -- that will make your job easier. I have been known to ask during OSH manager interviews, “if you were hired for this position, what would you do to make my job easier?”. The response to that one question often told me much of what I thought I needed to know to make a final hiring decision.

In closing, I am very proud to have played a small role in re-building the NC OSH program into one of the strongest programs in the nation. Over the past 31 years I have had the opportunity to work with representatives from all other State Plan OSH programs and all of OSHA’s Regional Offices. I can tell you unequivocally that they all have great respect for our program and the work that the OSH staff performs. I want to thank-you for all that you do every day to help to ensure NC employees have safe and healthful workplaces. I also want to thank-you for all that you have done to support me over the years. I wish nothing but the best for everyone in NCDOL and I have no doubt that the NC State Plan OSH program will continue to thrive in the years ahead.

Retirement

Everyone is welcome to celebrate Kevin’s retirement on Thursday, September 29th from 11am – 2pm in the 3rd fl conference room in the ORB, for light refreshments. Stop by and wish Kevin well on his new adventures post NCDOL. If you cannot join us in person:

You are invited to call Kevin's Retirement on Lifesize.

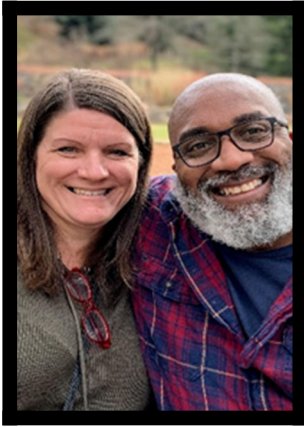
Join the meeting: <https://call.lifesizecloud.com/15351344>

Join the Lifesize meeting using Skype for Business: [https://](https://skype.lifesizecloud.com/15351344)

skype.lifesizecloud.com/15351344



You Look Familiar. Are you new around here?



Meet Gregory M Greene, a team member of the East Region of Consultative Services Bureau. Gregory began his journey about five and a half years ago (November 2016) after retiring from 30 years of military service (Army). Upon graduating High School in 1985, Gregory began his military career at Fort Leonard Wood, Missouri as a Heavy Construction Equipment Repairman. Duty stations included Camp Casey, Korea, Fort Devens, Massachusetts, Munster-Die burg, Germany (where he met his loving wife Angela who also served for 10 years) Fort Riley, Kansas, Schofield Barracks, Hawaii, and Fort Polk, Louisiana. Gregory also deployed to Idaho in 1993 to assist firefighters in fighting wildfires and Nicaragua in December 1998 - January 1999 after Hurricane Mitch. After 13 years of active-duty Gregory, Angela and their children settled in North Carolina and Gregory continue his military service in the North Carolina National Guard.

Gregory's safety journey began after 9-11-01, while working at the North Carolina National Guard Maintenance Facility in Raleigh, NC, where soldiers were preparing for deployment. His supervisor asked for a volunteer to fill in as the Environmental Waste Manager and Gregory accepted the position on a temporary basis. Upon returning from his first deployment to the Middle east in 2004, Gregory attended many safety and health classes in both military and civilian sectors, earned an Associate Degree in Environmental Science, and continued in this temporary position for about 8 years. Gregory was also assigned as the assistant Safety Officer for the Maintenance facility, worked in the Facility Supply Office, Production Control Office, and Inspection Section. During his tenure Gregory passed many arduous facility inspections from NC DEQ (formally DENR), Internal NC Guard, National Guard Bureau, and other agencies.

Gregory applied for possibly one of the most coveted positions in the North Carolina National Guard, State Safety Specialist. He was selected from a field of 24 applicants and will always be humbled and grateful for the opportunity given him by COL (Ret) John Mullinax. COL Mullinax mentored, trained, and prepared Gregory to become the Brigade Safety Officer on his second deployment to the Middle East in 2012. In this position Gregory was responsible for the safety and health of about 10,000 Soldiers and Airmen with duties including conducting inspections, accident investigation, facilitating training, mentoring unit safety officers, participating in safety council meetings, and attending high level meetings. Upon return from deployment, Gregory continued his education by earning his bachelor's degree in Environmental Science. Gregory also was selected as the First Sergeant for a Forward Support Company (Red Springs, NC) in which he served for three years.

After much time in prayer, conversation with his loving wife, and other wise counsel, Gregory began the process for retirement. At that point Gregory applied for several positions, one of which was Compliance Officer in Raleigh. There he met his current supervisor, Fle-da Anderson. After interviewing, Gregory was offered a position but could not accept because his retirement paperwork was not final. On February 29, 2016, Gregory retired with 30 years of military service. He worked at a Recreational Vehicle dealership with one of his sons for about 6 months. During that time, Gregory applied for a position as a Safety Consultant. After a pre-interview, in person interview, and post interview Gregory was offered and accepted the position. He was welcomed into this cohesive team and was the first person to be hired that did not first work in the Compliance Division.

Gregory has been married to his wife Angela for 30 years. They have four children (Monica, Eric, Christopher, and Allen) and two grandchildren (Ellayna and Sawyer). Gregory spends his time loving and serving his family and his church and enjoys cooking on his grill and watching sports.

Federal Annual Monitoring and Evaluation (FAME) Report

The full FAME audit that was completed by OSHA in December of last year was finally released to us. There was one finding but no observations. North Carolina's only open findings in the FY 2021 Comprehensive FAME Report concerned the adoption of the current OSHA maximum and minimum penalties. However, after the review was concluded, NCDOL State Fiscal Year 2023 (SFY23) Budget was approved by the Legislature on 7/1/22 and was signed into law by NC Governor Roy Cooper on 7/11/22. The new language in section 95-138(a)(1) adopts the current federal OSHA maximum/minimum penalties, as depicted in 29 CFR 1903.15(d), effective 10/1/22. Therefore, no corrective action plan was required. With the finding being addressed the FAME report had no findings or observations. This was stated in the August 2nd cover letter of the FAME from the OSHA Region 4, Atlanta office.

The results of the FAME audit are due to the efforts of all the OSH Division staff. Adherence to NCDOL, OSH and OSHA policies and procedures during the completion of your work is thoroughly reviewed during the audit. Thank you for your attention to detail, as it is truly a great achievement to have a comprehensive program review result in no negative findings or observations.

NCDOL Safety & Health Steering Committee Meeting

Fire extinguisher/AED inspection update – All fire extinguishers in the ORB have been replaced. These fire extinguishers will be in place for five years and require only monthly and annual inspections.

ORB odor issue – There has been a reoccurring odor in the ORB due to a sewer pump lift station being adjacent to the HVAC intake for the building. The new Secretary of State Facility Coordinator has been briefed on the issue and submitted a work order to address the issue. * *The OSH Division was notified on 7/25/2022 that the work order was completed, and we should notify the State Facilities Coordinator, if odors are noted in the future.*

Mass notification system - Prior to the pandemic, the Assurance system had been sought out and paid for by NCDOL. The intention was to provide the agency with the capability to notify employees of various emergency events such as active shooters, fire evacuations, and tornado evacuations. While investigating where we are in the process now that more staff has returned to the office. It was discovered that State IT had begun providing the Assurance system free of charge to all state agencies. State IT now wants to determine the parameters of use for the agencies utilizing the system. The individuals that will be allowed to input information into the system will have to be determined and then assigned privileges. Training was provided on July 26th and one of the committee members attended. Updates will be given at the next meeting.

Building Security concerns – Lapses in ORB building security, in the last quarter, were discussed during the meeting with unauthorized persons piggy backing into the building with other state workers and a staff members acquaintance was found wandering alone in a DOL building. All DOL office staff should be wearing their ID badge while in the building and should not allow persons to piggyback through a secured doorway. Anyone entering ORB without an appropriate state issued ID badge needs to be redirected to go to the public entrance or they need to phone whomever they are attempting to meet with from outside of the building to escort them through the building. Individuals that do not have an appropriate state government issued employee id badge, that works with the security card reader, should be allowed to wander unescorted in any DOL buildings. As the ORB building is a shared/connected building with other state agencies it was discussed that there should be a safety committee for the facility so that security issues could be shared and discussed, and steps should be taken to implement any necessary changes throughout the connected buildings. By a unanimous vote from the committee members this issue will be brought to the attention of management and a request made for them to reach out to the other state agencies in the facility to form a new separate facility wide Safety Committee.

Building Emergency Coordinators – Attendees of the meeting were asked to update floor monitors lists, if any assigned staff leaves and to also notify the Safety and Health Steering Committee of the new floor monitors. The safety stations located in the ORB have new megaphones, first aid kits and LED flashlights.

Ergonomics Subcommittee – there were 13 formal evaluations conducted for the 2021-2022 period.

NCDOL Injury and Illness Update -there had been no recordable incidents in the last quarter.

Next meeting will be – October 11, 2022 @ 2pm.

Heat Stress Standard

OSHA has established a Heat Injury and Illness Prevention Work Group of the National Advisory Committee on Occupational Safety and Health (NACOSH). The Work Group was established to help NACOSH respond to OSHA's request to provide recommendations on the agency's heat injury and illness prevention guidance and rulemaking activities. NACOSH was established by the Occupational Safety and Health Act of 1970 (OSH Act) to advise, consult with, and make recommendations to the Secretary of Labor and Secretary of Health and Human Services on matters relating to the administration of the OSH Act, including regulatory matters (29 U.S.C. 656(a)).

The OSHA rulemaking process can take up many years to come to fruition. State Plan OSH programs often can implement new regulations and standards in a timelier manner. To that end the NCDOL Commissioner Dobson has convened a work group to develop a draft heat stress standard by October 3, 2022. Following internal approval of the draft standard, stakeholder meetings will be held for input and the rulemaking process will proceed. It's likely that a NC heat stress standard could be implemented within the next 1-2yrs

Status of Fiscal Year Compliance Inspection Goals

Type of Inspection	10th Month Goal	10th Month Actual	FY Goal	% of FY Goal
East Safety Inspections	418	315	502	75%
West Safety Inspections	578	618	693	107%
East Health Inspections	264	98	317	37%
West Health Inspections	365	557	438	153%
Compliance Inspections Total	1625	1588	1950	98%
East Construction Inspections	350	213	420	61%
West Construction Inspections	525	590	630	112%
Construction Inspections Total	875	803	1050	92%
East Logging/Arborist Inspections	10	5	12.5	48%
West Logging/Arborist Inspections	10	14	12.5	134%
Logging/Arborist Inspections Total	21	19	25	91%
East Health Hazards Inspections	25	16	30	64%
West Health Hazards Inspections	25	49	30	196%
Health Hazards Inspections Total	50	65	60	130%
East LTC Inspections	10	3	12	30%
West LTC Inspections	10	24	12	240%
LTC Inspections Total	20	27	24	135%
Public Sector Inspections Targeted Total	83	84	100	101%
East Grocery & Related Product Wholesalers	8	3	10	36%
West Grocery & Related Product Wholesalers	8	16	10	192%
Grocery & Related Product Wholesalers Total	17	19	20	114%
Food Manufacturing Compliance Inspections	21	16	25	77%

Status of Fiscal Year Compliance Strategic Goals

Strategic Goal	10th Month Goal	10th Month Actual	FY Goal	% of FY Goal
Program Improvements	875	428	1050	49%
Serious Hazards Eliminated	3417	2399	4100	70%
Total Health Lapse Days	33	53.92	33	61%
Total Safety Lapse Days	30	53.39	30	56%
On-Site Hours/Week HEALTH	5474	2630	6569	48%
On-Site Hours/Week SAFETY	6354	2732.1	7625	43%
Logging Fatality Rate Baseline .0162	Goal Rate: .02623	Fatality Rate: .0000		On pace for
	(7 fatalities average during baseline years)	Logging Fatalities: 1	Reduce Rate by .4%	2 fatalities
Construction Fatality Rate Baseline .0138	Goal Rate:.00088	Fatality Rate: 0.0013		On pace for
	(32 Fatalities average during baseline years)	Construction Fatalities: 19	Reduce Rate by .4%	23 fatalities
		In Emphasis Counties: 12		

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 Fiscal Year ASH Compliance Strategic Goals

Strategic Goal	10th Month Goal	10th Month Actual	FY Goal	% of FY Goal
Pre-Occupancy Camps Inspected	1500	1993	1800	133%
Certificates Issued	1333	1890	1600	142%
Education Material Distributed	2000	6632	2400	332%
Outreach to Hispanic farm workers	167	142	200	85%

Status of Fiscal Year Consultation Strategic Goals

Strategic Goal	10th Month Goal	10th Month Actual	FY Goal	% of FY Goal
PRIVATE Consultative Visits	929	1015	1115	109%
Hazards Eliminated	4000	4490	4800	112%
Construction Visits	208	348	250	167%
LTC Visits	29	33	35	113%
Documentation of Health Hazards Inspections	104	143	125	137%
Program Improvements	625	1134	750	181%
Logging Visits	13	15	15	120%
Food Inspections	10	18	12	180%

Status of FY ETTA Strategic Goals

Strategic Goal	10th Month Goal	10th Month Actual	FY Goal	% of FY Goal
Total Persons Trained by ETTA	4458	5962	5350	134%
Total Persons Trained in identified areas	1250	2126	1500	170%
Publications Distributed	29167	31777	35000	109%
Program Improvements	50	79	60	158%
Construction SEP 30 Hour Course	1	2	1	240%
Construction SEP 10 Hour Course	4	5	5	120%
Logging/ Arborist Events	3	9	3	360%
LTC Events	2	1	2	60%
Health Hazards Events	17	15	20	90%
Public Sector Training Events	4	16	5	384%
Total Star Program Interventions	83	132	100	158%
Total Star Sites (new/recertifications)	17	24	20	144%

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!
-Paul Sullivan