

Statewide Supervisor Meeting

Date: 2/7/19

Start Time: 10:00am

Adjourned: 3:00pm

Scribe: Nicole H. Brown

Attendees:

Lafayette Atkinson

Kevin Beauregard

Nicole H. Brown

Jennie Cagle

Laura Crawford

Deidre Duncan

Nancy Hall

Ben Harris

Neesia Hill

Leaton Jones

Kaye Knezevich

Wanda Lagoe

Scott Mabry

Bruce Miles

Chris Moore

Judyth Niconienko

Lee Peacock

Beth Rodman

Paul Sullivan

Kaye Thibodeaux

Anne Weaver

Welcome – Nicole



- ❖ Outlined things planned for this meeting
 - Willful Citation Presentation
 - Strategic Plan and Assignments
 - NCVIP Workplans Discussion

OSH Director's Update – KEVIN BEAUREGARD

- ❖ Increase in federal funding was received 105, 200 for the 2019 grant year that starts 10/1/19; Department of Labor is not affected by shutdown; we used some of that money for HCO position that is 100% federal funding and we were able to bring that up to the new minimum
- ❖ Used some of that money and some additional money to process some of the items on the waiting list; took 11 people off the waiting list in December; last month we processed another 8 employees; one of those people is on the list still b/c of performance issues
- ❖ 21D and 23G federal grants- a portion is used to pay for indirect cost and we rather keep that money in our program so we can do some other actions; we have a request for legislature to replace that cost w/ 100% state funding so that we can move that money used for the federal grants into our operation; it will be in the Governor's Budget
- ❖ 5 years ago when we went to OSHA Express, we struggled on that decision with going to a State ran system - we decided to go with our own system; The federal touted that the States should utilize their system; The feds have a per person user fee as of last month it was 525/person; at a board meeting in DC they let the States know they were going to increase the cost retroactive back to October and they are going to increase their cost to 1000k per person; They have plans to raise it to 3k per person in the future b/c it actually cost the feds 3k for users to use their system; by going with our own system we still pay OSHA to transfer our data we pay about 15k the new price will be about 17.5k/ year; on that basis alone we made a really good decision;
- ❖ Tennessee asked OSHA if they were pricing themselves out of a system
- ❖ Week ago last Monday; delegation from Korea power incorporation (KEPCO) - the meeting went well b/c they spoke some English; we gave an overview of our program; they were asked how they came to want to meet with us and they told them Instagram; apparently they saw a post we put on Instagram about safety and health and wanted to meet with us. They also met w/

SAS earlier in the day; favorite part of the day we took a picture and they said Kemchi; present at meeting was Wanda Lagos, Kevin O., Scott, and Kevin B.

- ❖ Cory Dunphy and Kevin B. Will be participating in a HLS mtg on 3/6; requested a review of our Hurricane Matthew response;
- ❖ Also asked to participate on 3/4 at 1:30pm on Excavation and Trenching activities; Ted H. Has agreed to represent NCDOL;
- ❖ *OSHA posted record keeping training; 200 employees or greater do not have to do the electronic submission; deadline is 3/2 for them to submit the electronic data; the employer still has to complete the 300A
- ❖ *printout on Monday about underutilized State vehicles; it was handed out to BCs on Tuesday; Contacted by Chief of Staff and we have to report with what we plan to do with the vehicles; one of the things he told the BCs is to do more activities; some offices have more vehicles than others; need explanations now; the problem is what we get rid of any trip over 100 miles they will get reimbursed the lower rate 33cents; we pay a fixed cost for our vehicles
- ❖ letters going out this week that falls into a new Consultative class; it affects the people in ETTA and some staff on Consultative; We fought to get another classification b/c it lumped everyone into the same classification; OSHR did agree to the new classification; there is a grade difference and so that could have an impact on Compliance if a position opens up; ETTA Health and Safety standards Officer and Health STAR; the ETTA trainers were not impacted by the classification change
- ❖ NCDOL has a insurance committee and the purpose is that external insurance vendors want to offer their products to the Department the committee is to do a triage to see if the vendors will be offering products/services to employees; all agencies were told to have this committee; it will comprise of employees, no supervisors will be on that committee; if you have anyone willing to be on that committee let management know; will request 2-3 people per division
- ❖ let BCs know to let Director's Office know of items being requested; deadline for use of State Funds 2/8; 4/12 for Federal Funds; the deadlines are to deal with some of the procedural changes that have occurred in our Financial Management Division;
- ❖ we use lapse funds for Attorneys and for other things;
- ❖ we gave back federal funding last year and it's no fault of anyone in the room; but if we do have to give it back we want to do it in sufficient time so other State plans can use it; if you don't give the money back in time it goes back to the Treasury and we may not get that funding in the future; want to utilize that money that is why we do the wish list
- ❖ Q. Bruce - the attorneys are paid by our vacant salaries; Response Kevin - yes. It's about 550k (5 Attorneys, we pay for 4 of them); if we fill our vacant positions we must find the funds to pay for those positions.

Assistant OSH Director's Update – SCOTT MABRY

- ❖ will talk later in the agenda on workplan discussions
- ❖ appreciate the work on the 60 day report it has gotten better; late last year we had about 120 items and we have decreased it to about 80 inspections
- ❖ fatality meetings w/ AD and BCs; don't have to wait to schedule those meetings; so he can keep Kevin B. On status and we can come up with some ideas
- ❖ Paul - the quicker we have that meeting the more we can figure out what we are going to cite;
- ❖ Nicole - feedback we have received is to include Leaton on the meetings b/c he may not be privy to some of the meeting

- ❖ we are at 63% cut loose (59% of Health; 66% of Safety)
- ❖ Inspection numbers we had a rough October and December is always difficult b/c of holidays; moving forward we have to get people out
- ❖ on SAMM reports at end of January we had 720 inspections; that is a pace at 2100 inspections
- ❖ we are running behind on inspections; anything we can do to help motivate staff will be appreciated
- ❖ we have a projected goal of 2900 inspections and we are currently on pace to do the same numbers we did last year; all of the other stuff we do flows from our # of inspections
- ❖ IC rate is down (through end of January it is 22% for Safety 26% for Health; flip side our lapse time is up; we are writing about the same number of 1b's per inspection as we did last year which was 3.16 and this year it is about 2.90; we get questions from the Feds; we were asked about why our inspections were down last year and it plays into the request for federal funding
- ❖ Leaton - Supervisors need to emphasize this in their district meetings by letting them know about the funding
- ❖ some of the changes we are trying to do with OSH money; we are trying to move the funding to state funded positions to department funding positions; we would like to raise money in our positions but these are merit increases and they will not be part of any increases; it's hard to justify to get the funding if we don't increase our inspection activity; in the past we did more inspections; feedback from staff is that we ask for more; we have a small percentage of files that go through the CFR; Leaton and Scott has come up with a couple of things; I understand it is a lot of work, but we need to focus on why we do what we do and how it impacts the state and how it looks when we have a lower number of inspections year to year; one great thing we have in the background is our injury/illness rate has dropped consistently since the 2000s and it gives a lot of credence to what we do in our program;
- ❖ video conference system; state IT department has the bid package and was told he would have it this week; TVs mounted in all the offices (NOTE: check with Jackie to see if our TVs are mounted)

ASH Update – Beth Rodman

- ❖ Busy with pre-occupancy; have 2 trainees to go out
- ❖ Martina Gonzalez will be retiring in June; preference Bi-lingual

Consultative Update – BC traveling

ETTA Update – Wanda Lagoe

- ❖ Standards books will be delivered in March or April
- ❖ construction forums coming up during fall stand down; wanting SEP team leaders to participate; one in Concord and one in Raleigh; will be working with our Alliances
- ❖ Stand-down w/ ASH 3/25 on grain handling
- ❖ Signed a new Alliance with North Carolina Association of Local Governmental Employee Safety Officials (NCALGESO)
- ❖ OSH 125 posted in February
- ❖ End of June Interviewing and Accident Investigations will be posted
- ❖ 4/9 - 4/11 OCSS Scaffolding (Check w/Wanda)
- ❖ Machine guarding/ LOTO late May
- ❖ Electrical hosted in Raleigh (4-day course; 3095)
- ❖ Legal Aspects 141 at end of year (coordinating with Legal)

- ❖ Safety Management Systems course (Joe is working on that and hope to have it finished this summer)
- ❖ training positions (2 resigned (Safety); 1 is posted/ 1 application referrals rec'd; 1 STAR position
- ❖ updating the excel spreadsheet for OPN 64
- ❖ iPad works well with flip charts and they communicate well with each other; you can have all the flip charts talk to each other; Robert will be doing some training

STAR sites annual reports have changed to include Best Practices and success stories

PSIM Update – ANNE WEAVER

- ❖ Injury and Illness electronic filing database; they have rec'd 2016 database; currently working with IT to change the ODI and SST assignment
- ❖ New General Industry schedule was uploaded
- ❖ New filing system in PSIM and in LBT (reloading files this week and next week)
- ❖ currently working on media request
- ❖ CSHOs and supervisors inquire about how Attorneys or anyone should inquire about requesting inspection files; when the new website was revamped it was taken off; now there is one document for all of NCDOL; prefer they send all request via email to Anne's email; they can go online and access labor.com; contact; public record form
- ❖ Scott - they continue to ask for in our files (difference b/w an investigation and inspection); they don't seem to understand the difference b/w investigation and inspection; we will investigate a fatality but we may not always do an inspection b/c they don't fall under our jurisdiction (i.e., traffic, natural cause death at work, etc.); we end up getting death certificates and/or ME reports; we need to have at least the death certificate put in file to justify the decision as to why we didn't conduct an inspection;
- ❖ Lafayette - you can go to the county office and obtain the death certificate
- ❖ Paul we are getting local coroners and MEs that are making a judgement call on a medical diagnosis, with an external viewing; it's hard for OSH Compliance b/c there is some mixed evidence and at the end of the day we need to have enough information to challenge the call of the ME
- ❖ Lafayette - now that we are moving into Heat Stress season they are always heart attack
- ❖ Paul at the very end make sure that your ending summarizes the evidence you obtained does not appear to be work related (Section G- if fatality; most common place to include that detailed summary)
- ❖ Lafayette - as far as the cases they have requested are they mostly fatalities b/c most of them were not fatalities; Scott - they are focusing on poultry;
- ❖ We have received request for all the fatalities out of Charlotte and one for all fatalities out of Winston Salem; it makes why we do our files so important; Bruce - so what do you do, give it to them? Scott - You have to b/c of disclosure request.
- ❖ Kevin it is important to make sure all our information in the file (i.e., witness statements, etc.) because we can get questioned about our procedures if we do not have this information in the file and they can question how we are conducting inspections
- ❖ Paul our last 2 years of fatality IC inspections is 21.4%
- ❖ Kevin B. - only time it would be an IC is employee misconduct or employer knowledge
- ❖ Anne - they can request at any time; just forward the request to PSIM immediately;
- ❖ Laura - what is the reasonable time for an employer to receive the file? Anne - about a month (but it depends on what other requests have been received); Kevin - 3D party litigation receives

OSH Reviewer – Leaton Jones

- ❖ Routing files to CFR (inspection and settlement agreement); route to Jovonah (send an email to Leaton and Scott w/ Jovonah); should also be routed to Leaton - this is b/c if she is out of the office
- ❖ Laura - requested to have access to Jovonah's spreadsheet on the F: drive
- ❖ Leaton - file audits will not be given to BC but will be provided to Supervisors; he will compile the data; if you have any questions give Leaton a call
- ❖ Lafayette - interviewing employees trying to get to the bottom of lapse time; Leaton said he will come to some conclusion

Administrative Update – Deidre Duncan

- ❖ new process that will begin; abatements from employers will be tiffed into OE; will be done by CSHO
- ❖ Kevin 2/11 - citation packages will be tiffed into by OE Admin staff
- ❖ Kevin B. - requesting some guidance document; we are working towards going paperless on 10/1/19; there will be some overlap
- ❖ photos received in paper they scan and tiff as document; if they receive electronically a photo the photo to have to import the pictures.
- ❖ Paul - maintaining a separate location of keeping the photos
- ❖ Nancy - the photos on a CD are better b/c you can zoom in but in OE they are so small, and you can't zoom into the system.
- ❖ Lafayette - he hired an employee they had a hard drive they backed photos on
- ❖ Kevin the system we must save photos and I don't understand how they are uploaded; currently you must resize the photos
- ❖ Scott - notified everyone Jackie is retiring 9/30/19 (Diedre and Brent both work with OE); we need to get with Jackie about developing written procedures
- ❖ Jackie is doing an audit on complaints/referrals and no inspection files
- ❖ Kaye brought up the complaint/referral letter processing procedure that Supervisors in the East are being tasked to do the work;
- ❖ Paul - workplace violence responses; employee x vs. employee y and the wrong employee responded; the response will have inflammatory information in the response; we are sending that letter out to the complainant; change the letter "its corrected and no longer exist" to the complaint has been "closed"
- ❖ Scott will follow-up with Jill to see if there is a requirement to include the employer response with the workplace violence complaints.

Staff Industrial Hygienist/ Complaint Desk – Nicole H. Brown

- ❖ see attached Staff IH/Complaint Desk report

Compliance Update – PAUL SULLIVAN & NICOLE BROWN

- ❖ Willful Presentation - Paul
 - appendix A - no knowledge of the Act required;

- ❖ Strategic Plan - Paul had a CSHO ask about our inspections and the strategic plan. They were not aware of our strategic plan and our goals. Please make sure you explain to your staff about our goals and look at it every month to see where we are with all our goals. If we are ahead with LTC then we need to shift our resources to an area where we are not meeting the goals.
- ❖ District Lines & Assignments – Nicole
 - CSHOs can conduct inspections outside their district line with the permission of their Supervisor. We ask that their Supervisor/CSHO notify the District Supervisor whose county the inspection was conducted in so that they are aware of the activity to prevent another CSHO from going to the same site.
- ❖ NCVIP workplan discussion – Scott Mabry and Leaton Jones
- ❖ Proposed CSHO Inspection/Citation Goals
 - Increase number of inspections/citations
 - SCO SR, Inspections = 60/ citations = 158
 - SCO JR, Inspections = 45/ citations 114
 - HCO Sr, Inspections = 45/ citations =113
 - HCO JR, Inspections = 35/ citations = 85

Laura- What is our goal with this change? Is it to increase more inspections and/or to increase the number of citations? Scott showed diagram of a sliding scale that was being proposed to determine the amount of citations per the number of citations which would provide the rating

There was a lot of discussion over the proposed workplan changes with Supervisors and nothing was finalized. However, it was determined based on the feedback and comments from Supervisors and Bureau Chiefs is that we have a lot of GREAT CSHOs that are working very hard. They should not be penalized because some CSHOs are not performing well. Scott, Nicole, and Paul all stated that Supervisors need to be addressing performance issues with those CSHOs that are not meeting the goals. That is where we need to focus our attention. It was further stated that this is not being done and this has resulted in the Bureau not reaching the performance goals. If every CSHO did their part the OSH Compliance Bureau would reach all the established goals. Supervisors were told that CSHOs not reaching performance goals should be placed on a performance improvement plan. Not as a form of punishment but to develop a plan to help the CSHO reach the established goals. Performance plans are tools to allow the CSHO be involved in the discussion and identify things they can do to better improve their performance.

ATTACHMENTS

- 1. Staff IH Report**
- 2. Willful Citation Presentation**
- 3. Workplan proposal of sliding scale (example was for SCO)**

STAFF INDUSTRIAL HYGIENIST/COMPLAINT DESK UPDATE

STATEWIDE SUPERVISOR MEETING – 2/7/19

FY 2019 – 1st Quarter (Oct/Nov/Nov 2019)

- Complaints – 550 (282 East, 265 West, 3 ASH)
- Referrals (incl. hospitalizations/amputations, media and CSHO self referrals) – 215 (88 East, 104 West, 23 ASH)
*Hospitalizations/amputations – 187 of the 215
- Events – 38 (19 East, 19 West, 0 ASH)
- Unprocessed complaints – 605
- Unprocessed accidents – 25

Hospitalizations & Amputations (FY 2019, thru 2/5/19) - 210

Oct – 67

Nov – 69

Dec – 51

Jan – 63

Feb – 6

HH SEP Sampling FY 2019

1st Quarter

- (23) samples with detectable results
- (13) inspections with detectable results
- Average severity rate = 22.57 (Silica), 2.41 (Lead), 0.08 (Asbestos), 0.04 (Isocyanates)
*No samples were collected for hexavalent chromium

In addition, there were (2) silica, (2) lead, (2) asbestos and (1) isocyanates personal samples collected that were below the limit of detection. There were also (6) wipe samples for lead and (1) bulk sample for lead.

Action Requests

(4) action requests have been received so far in FY 2019, (6) since our last statewide meeting in February.

- (1) resulted in changes to FOM Chapter 11 for ASH
- (1) resulted in changes/updates to the mold complaint letter in OE
- (1) for Chapter 16 for handling of green cards
- (1) for adding a checkbox in OE under the Penalty Calculation tab for proximate cause that would automatically only reduce penalties for size (Pending).

Willful Violations



OSH Supervisor Meeting
February 7, 2019

Presented by:
Paul Sullivan & Nicole Brown
NC Dept. of Labor/Occupational Safety & Health Division

Intentional and Knowing Violation

- An employer representative was aware of the requirements of the Act, or the existence of an applicable standard or regulation, and was also aware of a condition or practice in violation of those requirements; or
- An employer representative was not aware of the requirements of the Act or standards, but was aware of a comparable legal requirement (e.g., state or local law) and was also aware of a condition or practice in violation of that requirement.



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Objectives

Become more familiar with willful violations and convey that information to the district CSHOs.

- FOM Chapter IV language
- Elements needed to cite
- Example cases



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Plain Indifference to the Law

- Higher management officials were aware of an OSH requirement applicable to the company's business but made little or no effort to communicate the requirement to lower level supervisors and employees; or
- Company officials were aware of a continuing compliance problem but made little or no effort to avoid violations; or



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What is a willful violation?

- Per FOM Chapter IV: A willful violation exists under the Act where the evidence shows either an **intentional violation** of the Act or **plain indifference** to its requirements - not necessarily with knowledge of the standard itself.
- The CSHOs should be familiar with the information in the FOM and use the applicable language in their Violation Worksheet



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Plain Indifference to the Law

- An employer representative was not aware of any legal requirement, but was aware that a condition or practice was hazardous to the safety or health of employees and made little or no effort to determine the extent of the problem or to take the corrective action.
- Knowledge of a hazard may be gained from such means as insurance company reports, safety committee or other internal reports, the occurrence of illnesses or injuries, media coverage, or, in some cases, complaints of employees or their representatives.
 - Disciplinary action records?
 - Maintenance work orders?



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It's important to remember...

- It is not necessary that the violation be committed with a bad purpose or an evil intent to be deemed "willful." It is sufficient that the violation was deliberate, voluntary or intentional as distinguished from inadvertent, accidental or ordinarily negligent.



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An example...

- For example, an employer who normally does minor excavation work—nothing greater than three to four feet in depth—is suddenly required to excavate to a depth of eighteen feet. The employer digs the three foot wide excavation with vertical sidewalls. Cracks subsequently appear in the excavation's side walls; soil begins sloughing off the sides and into the trench and water begins to accumulate in the bottom. An employee voices his concern about working in the excavation. If the employer required his employees to work in the bottom of such an excavation, he would be deliberately placing them into a dangerous situation. **Because the employer would be intentionally placing his employees into the trench, he would be violating his duty to ensure their "safety"—a "requirement" of the standard. Thus, he would be in willful violation of the excavation standard—despite the fact that he had no specific knowledge of the excavation standard.**



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Section B1 for Willful Violations

- Should contain (itemized) documentation of the four-part test for a finding of willfulness:
 - Employer knowledge of the violative condition (the typical "knowledge" that we document for each citation).
 - Employer knowledge of the standard.
 - A subsequent violation of the standard.
 - Violation committed voluntarily or with intentional disregard of the standard or with demonstrated plain indifference to the OSH Act.
- This four-part test was developed by the Review Board and approved by the NC Supreme Court.



IC	Rdr, Inc.	
	SW Serious Willful	Citation
	3	[No. 1]
	1926.0652(a)(1)	

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Documenting Willful Violations

- Willfulness could exist if an employer is advised by employees or employee representative regarding an alleged hazardous condition and the employer does not make a reasonable effort to verify and correct the condition.



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However...

- The four-part test is not the **only** way to establish a willful violation (see FOM Appendix IV-A).
- The Court also established that a willful violation can be issued to employers who may be **completely** unknowledgeable concerning the Occupational Safety and Health Act – yet fail to take precautions which a reasonable person should have known were necessary in light of known hazards.
- This is the "disregard of duty" test. There is a deliberate purpose not to discharge some duty necessary to the safety of the person.



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NC OSHA - ACI - BIRMINGHAM

IC: 1926.0652(a)(1)

EMPLOYEE AND EMPLOYER STATEMENT

Mr. Birminghams: I hit the shot put while my head was in the point of operation and my left hand and forearm were crushed my right finger & middle finger. I had to go to Valley Medical Center. I had a splint on my left hand. My doctor said my fingers would be deformed. The cast was supposed to be for 6 weeks. Now the cast is the middle finger was aggravated to mid finger. The doctor said that he might need to remove more if it doesn't heal properly.

CSIO Birminghams: How often have you run the DLT press machine in 12 months?

Mr. Birminghams: That particular machine I have not run other cause I refused to operate that press.

CSIO Birminghams: Why have you refused to operate that press?

Mr. Birminghams: Because I did not like that my hand could be put inside that machine while the machine was operating. I had Ricky Birminghams 2 of 3 EB

Statement of F. B. Baumgardner
M.C. Department of Labor
Division of Occupational Safety and Health
Bureau of Chemistry

REASONABLE AND NECESSARY
TOLD MARK GLIBS (Lead Man) AND ALSO
STRANDER PAULSEN THAT I DID NOT LIKE
BENCH AND TO GET MY HAND IN THE DIE
WHILE THE MACHINE WAS OPERATING. I
SUGGESTED THAT THEY USE A PLATE
OR A BLOCK TO HOLD THE PART IN POSITION.
B/SO I AM 6'4" & I HAVE TO SIT DOWN
DOWN TO THE GUARD SPINDLE TO SEE WHAT I
AM DOING. IF I DO NOT SIT DOWN I
CANNOT SEE THE DIE AREA.

CSHO BUREAU: Have you been trained to
operate the OGI Press Machine.

F. B. Baumgardner: Yes I have been trained
to run all of the machines in the plant.
I was trained by MATT (last name unknown)
or yes, MATT WILKINS but he does not
work there any more.

END
CB/RS

X

F. B. Baumgardner

3-13 RB

BETCO – Multi-Digit Amputation

Ref ID: 23245463

Referral Number: 203454963	Establishment: Betco Corporation, Ltd.	Establishment ID: 23245463
Referral Date: 9/20/2018	228 Commerce Blvd, Statesville, NC 28677	Referral Info
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Details	<input type="checkbox"/> Emphasis/Initiatives
<input type="checkbox"/> OSHA File		
19. Hazard Description		
<p>The employee was working on a "punch shear" with one operator and attempted to push metal forward. The operator grabbed the shear, causing it to lower onto the injured employee's right hand. The employee suffered partial amputation to the tip of her right thumb, ring and middle fingers. The employee was transported to Capital Hospital, in Winston-Salem.</p>		
<input checked="" type="checkbox"/> OSHA Action <input type="checkbox"/> URA Response		
Action Date: 09/26/2018	Action Type: On Inspection - Y	Date Due: 09/24/2018
		Communication
		Add
		Delete

Additional Factors for a Possible Willful

- The nature of the employer's business and the knowledge regarding safety and health matters that could reasonably be expected in the industry.
- The precautions taken by the employer to limit the hazardous conditions.
- The employer's awareness of the Act and of the responsibility to provide safe and healthful working conditions.
- Whether similar violations and/or hazardous conditions have been brought to the attention of the employer.
- Whether the nature and extent of the violations disclose a purposeful disregard of the employer's responsibility under the Act.

WICHITA FALLS INVESTIGATIVE DIVISION
Department of Commercial Safety and Health

WITNESS STATEMENT

North Carolina Department of Labor Occupational Safety and Health Division	Inspection Number: 318146488 Inspection Date(s): 9-21-2018 Issuance Date: 10-8-2018
Citation and Notification of Penalty	
Company Name: 161400 INC Inspection Site: 228 Commerce Blvd., Statesville, NC 28625	
Citation 01 Item 001 Type of Violation: Willful Serious	
29 CFR 1910.212(a)(3)(iii): The point of operation of a machine whose operation exposes an employee to injury was not guarded.	
a) press department - where a two-inch wide section, running the length of the Ermasan CNC Hydraulic Swing Beam Shear (HDS), of the point of operation guard was missing. On or about 9-20-2018, an employee had portions of two fingers amputated while using the aforementioned shear.	
Date By Which Violation Must Be Abated: Proposed Penalty:	Corrected During Inspection \$56,000.00

North Carolina Department of Labor Occupational Safety and Health Division	Inspection Number: 318111485 Inspection Date(s): 7-12-2017 - 7-16-2017 Issuance Date: 7-28-2017
Citation and Notification of Penalty	
Company Name: 66063 Manufacturing LLC Inspection Site: 402 McKinney Parkway, Lillington, NC 27546	
Citation 01 Item 001 Type of Violation: Willful Serious	
NC 1910.129(h): The employer did not furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that were causing or were likely to cause death or serious injury or serious physical harm to his employees in that employees were exposed to caught-in between and point of operation hazards.	
a) facility cell #4 work area located at 402 McKinney Parkway Lillington, NC 27546 where on 05-31-17, an employee was injured when his ring and middle finger were caught-in and crushed in the rollers of an IWF AIR Universal Bending Machine (model: 79HVA-70 serial # B304045) while forming a Matrell Ring due to a faulty master stop blade. The bending machine rollers did not immediately stop after the employee released the foot-pedal control system.	
Date By Which Violation Must Be Abated: Proposed Penalty:	Corrected During Inspection \$61,000.00

North Carolina Department of Labor Occupational Safety and Health Division	Inspection Number: 318127750 Inspection Date(s): 1-24-2018 Issuance Date: 2-20-2018
Citation and Notification of Penalty	
Company Name: Gossamer Roofing, LLC Inspection Site: 3080 Kure Commons Court, Kure Beach, NC 28449	
Citation 01 Item 001 Type of Violation: Willful Serious	
29 CFR 1926.501(h)(3): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels was not protected by guardrail systems, safety net system, or personal fall arrest system, nor was the employee provided with an alternative fall protection measure under another provision of paragraph 1926.501(h).	
a) above, 9000 Kure Commons Court, Kure Beach, NC 28449 - subcontractor employees performed roof replacement activities, 9 feet 11 inches to approximately 30 feet above ground, on the roof of a two-story residence without utilizing any fall protection measures.	
Among other methods, one feasible and acceptable abatement method to correct these hazards is to ensure the utilization of fall protection measures for subcontractor employees when working 6 feet (1.8 m) or greater above lower levels; and, in the event the employer can demonstrate conventional fall protection is infeasible, or creates a greater hazard to use these systems, ensure that the employer develops and implements a fall protection plan that meets the requirements of paragraph 1926.501(h).	
Date By Which Violation Must Be Abated: Proposed Penalty:	Corrected During Inspection \$28,000.00

North Carolina Department of Labor Occupational Safety and Health Division	Inspection Number: 318134798 Inspection Date(s): 4-19-2018 - 10-11-2018 Issuance Date: 10-12-2018
Citation and Notification of Penalty	
Company Name: Korbis Three Inc. DBA Preferred Cleaners Inspection Site: 4856 Albemarle Rd., Charlotte, NC 28205	
Citation 01 Item 001 Type of Violation: Willful Serious	
NC 1910.129(h): The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that were causing or were likely to cause death or serious injury or serious physical harm to his employees in that employees were exposed to explosion and struck-by hazards.	
a) boiler room - where a 1998 Brumner pressure vessel (at 200 PSI) was operated with an active leak, after an unsuccessful attempt to repair it using Bondo or a similar material.	
Note: Among other methods, one feasible method to correct this hazard is for the employer to remove the pressure vessel from service until such time it can be repaired by an "R" Certificate Holder from the National Board of Boiler and Pressure Vessel Inspectors.	
Date By Which Violation Must Be Abated: Proposed Penalty:	Corrected During Inspection \$28,000.00

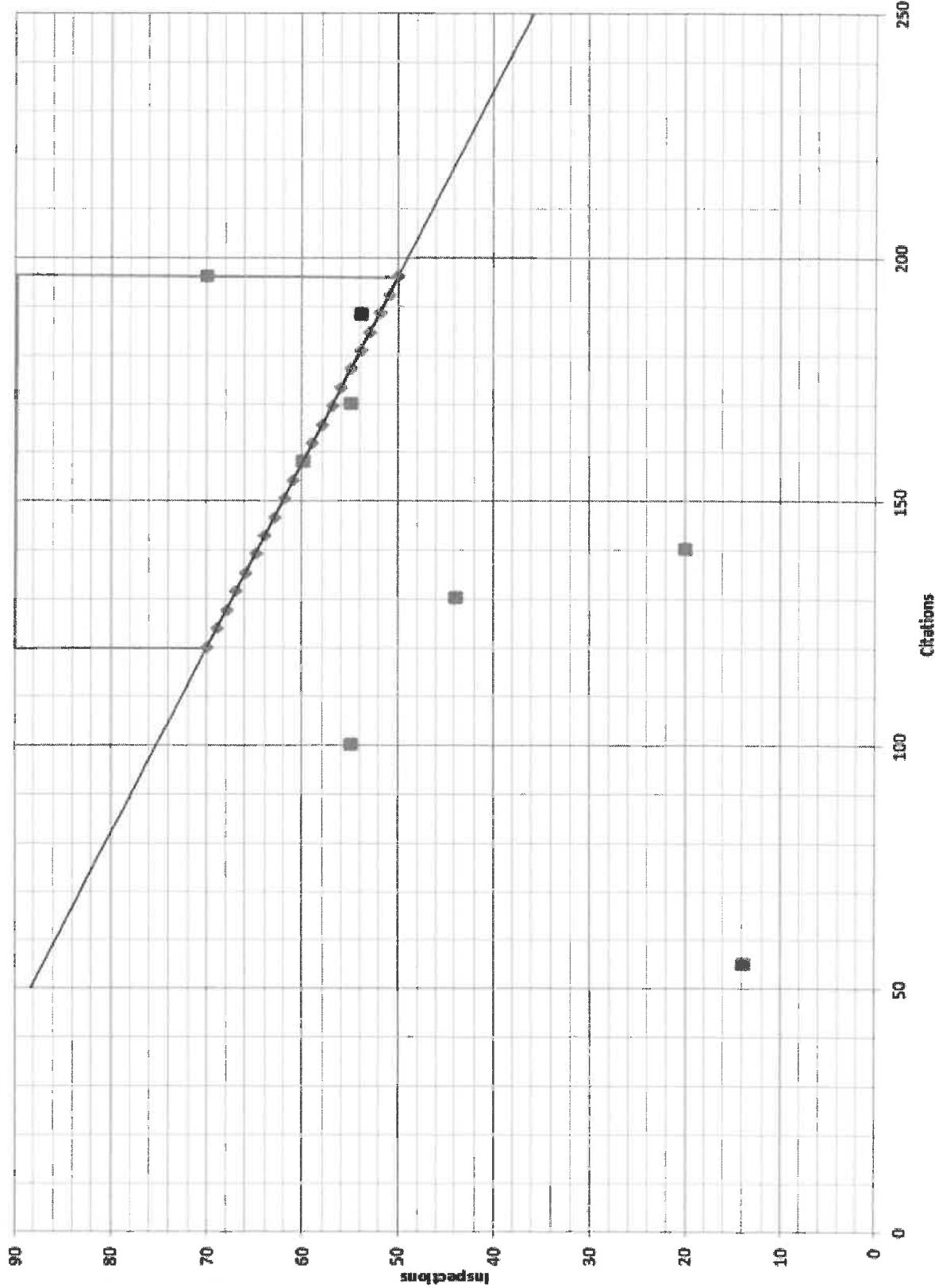
North Carolina Department of Labor Occupational Safety and Health Division	Inspection Number: 318149861 Inspection Date(s): 11-16-2018 Issuance Date: 1-4-2019
Citation and Notification of Penalty	
Company Name: Louis Curbis, DBA Curbis Roofing Company Inspection Site: 403 E. Main Street, Dallas, NC 28034	
Citation 01 Item 001 Type of Violation: Willful Serious	
29 CFR 1926.501(h)(3): Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels was not protected by guardrail systems, safety net system, or personal fall arrest system, nor was the employee provided with an alternative fall protection measure under another provision of paragraph 1926.501(h).	
a) Main Street job site - where employees were performing roofing activities on a single-story residence without the use of fall protection, exposing them to a fall of up to seventeen feet, three inches.	
Date By Which Violation Must Be Abated: Proposed Penalty:	Corrected During Inspection \$28,000.00

North Carolina Department of Labor Occupational Safety and Health Division	Inspection Number: 318144798 Inspection Date(s): 4-19-2018 - 10-11-2018 Issuance Date: 10-12-2018
Citation and Notification of Penalty	
Company Name: Korbis Three Inc. DBA Preferred Cleaners Inspection Site: 4856 Albemarle Rd., Charlotte, NC 28205	
Citation 01 Item 002 Type of Violation: Willful Serious	
NC 1910.129(h): The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that were causing or were likely to cause death or serious injury or serious physical harm to his employees in that employees were exposed to explosion and struck-by hazards.	
a) boiler room - where the employer operated a Williams & Davis 1998 Fire Tube Boiler that was leaking natural gas, and had not been completely repaired.	
Note: Among other methods, one feasible method to correct this hazard is for the employer to fully repair the gas leak on the boiler prior to further operation.	
Date By Which Violation Must Be Abated: Proposed Penalty:	Corrected During Inspection \$28,000.00

Questions?



This presentation was created by the N.C. Department of
Labor for safety and health training.



Statewide Supervisor Meeting

Date: 11/08/18

Start Time: 10:00am

Adjourned: 3:00pm

Scribe: Chris Moore

Attendees:

Lafayette Atkinson

Kevin Beauregard

Nicole H. Brown

Jennie Cagle

Laura Crawford

Nancy Hall

Ben Harris

Scott Justice

Kaye Knezevich

Wanda Lagoe

Scott Mabry

Bruce Miles

Chris Moore

Judyth Niconienko

Lauren Norton

Lee Peacock

Cynthia Richardson

Jackie Spangler

Paul Sullivan

Ric Schumann

Anne Weaver

Hollis Yelverton

Kaye Thibodeaux

Welcome – Paul

- ❖ Welcome and introductions
- ❖ Outlined what was to be done this meeting

OSH Director's Update – KEVIN BEAUREGARD

- ❖ Spoke about attending advisory council meeting (east and west meetings)
- ❖ Federal budget: increase of approximately 1.5%, this has not been released yet. OSH needs to give plan to congress
 - i) 5M was taken away in 2014, we asked to give back to each state plan within the next couple of months. This could go to certification increases as there are no funds for this right now.
- ❖ Salary adjustment fund submissions for OSH SFGY2020 for those at midpoint of range (max 5% must be matched for non-100% positions).
 - i) We want to put more state funds to replace federal funding, but the legislature has to do this.
- ❖ New Strategic Plan and IT plan has been submitted to OSBM
 - i) Posted on the intranet, department wide (includes OSH)
 - ii) Only funding things that tie into the strat plan
- ❖ Working on a bill that would make it easier to obtain EMS and police reports during the next legislative session.

- ❖ HR reminder – three holidays in November and December, supers need to be checking time sheets to ensure that no mistakes are made.
- ❖ NCVIP – security training session due. Interims are in January
- ❖ Open Enrollment in close, some employees did not enroll and if they were in the system and not in process they were automatically enrolled in 70/30 without a smoking cessation credit.
- ❖ New consultative safety and health classes that are awaiting approval, hopefully in Dec 2018.
- ❖ New Carpeting in ORB almost completed
- ❖ BLS released injury illness data, national illness/injury rates have decreased
- ❖ OSHA Quarterly meeting on 11/30/18
 - i) FAME report was overall OK, comprehensive FAME every three years instead of every other year, we are pushing for this.
- ❖ OSHSPA, K.B. is the current chair, has submitted Scott's name to ACCSH
- ❖ OSH Advisory committee
 - i) OSH has not had been active on this committee, there are lots of misunderstandings with the rules and regs and it helps that OSH has a representative.
- ❖ No new assistant secretary of labor at the federal level, and there may not be one at all
- ❖ K.B. is on leave from 12/17 to 1/1

Assistant OSH Director's Update – SCOTT MABRY

- ❖ Hurricane response
 - i) Cory sends updates on this, lets us know the state of the counties
 - ii) No groups to be sent the week of thanksgiving
 - iii) This helps us see the progress of work that is being done in those affected counties
- ❖ Project: pulled 000 FATCAT files, tried to find what was missing/needed for the files
 - i) This is to try and head off issues that could come up if we don't inspect
 - ii) Lots of Media requests, media was looking for mistakes that were made (i.e. dirt)
 - iii) Discussion: L. Atkinson asked about getting death certs and R. Schumann stated that he can get them but cannot distribute them due to privacy issues. J. Spangler stated that the info should be put in the communication log as these cannot be deleted, P. Sullivan stated that discussion can be had with the ME that can help determine the cause of death. It was generally discussed that difficulties can be had in obtaining ME reports based on the county that you are in and could a letter from the ME suffice. K.B. reiterated that this was why there was a bill in the legislature to try and make it easier to obtain ME reports.
- ❖ Lapse Time: went up another seven days across the board
 - i) This will be a focus, try to meet 60+ days on FATCAT file to try and focus on where to go. Hope that this will help with lapse time
- ❖ 2443 total inspections done. This is down 300 from previous year, Goal was in the 2900 range.
 - i) Significant hours worked with hurricane outreach, will adjust for this.
- ❖ Lower turnover currently: Try to schedule classes, this is a positive direction,
- ❖ Returning a ISA within 3 working days is currently on the cover letter for them, why is this here?
 - i) Discussion: Try to do ISA with ER in the office, some agreed some did not. No one was sure where the 3-day requirement came from

ASH Update – Lauren Norton

- ❖ Fully staffed and doing lots of pre-occupancy inspections
- ❖ Lots of trainees to take out
 - i) Try and get trainees scheduled, they should expect 8+ hour day and the inspector can meet the CSHO.
- ❖ Currently ramping up compliance activity with Christmas Tree Farms.

ETTA Update – Wanda Lagoe

- ❖ OSH 100 and tech writing end of Nov beginning of DEC
- ❖ Cory: field training portion of the OCSS class at annual training
 - i) Will update when it's done
- ❖ Wrapping up safety and health management courses
 - i) Currently working on online courses (Mark Catherine and Joe Long)
 - ii) They are trying to put all courses online but this presents challenges
 - (1) Subject matter experts and software experts need to be paired together
 - (2) This will be done over the next couple of years
- ❖ Construction Forum
 - i) Resource intensive to coordinate and host these
 - ii) Need to get vendors and staff together
 - iii) Try to hold one large one next year, spring time frame

Standards – Not sure who spoke

- ❖ Any questions, call Hollis
- ❖ Quick cards: sent to the field offices
- ❖ Beryllium Standard was adopted in NC on 11/7/18
- ❖ Lamont said that there were no specific updates and there was a successful star conference.

PSIM Update – ANNE WEAVER

- ❖ Restarted SST program: respond through injury tracking program
 - i) The OPN is being worked on
- ❖ Public Sector Survey is done, several non-responders and will be trying once more to obtain information
- ❖ New lecturer: all files will be put in the new machine

Administrative Update – JACKIE SPANGLER

- ❖ Admin is now fully staffed
- ❖ OE manual is nearing completion on the One Stop Shop and it will point to the FOM
- ❖ Scanner Project: No hitches, going smoothly so far
- ❖ 000 files: paperless, let us know of any issues

Staff Industrial Hygienist/ Complaint Desk – RIC SCHUMANN

- ❖ Health hazards, see attached handout that shows inspection/sampling data
- ❖ Equipment is being calibrated as scheduled, did not get some new equipment due this year
- ❖ Death certificates: ask if needed and need an update on accidents ASAP

- see attached Staff IH/Complaint Desk report

OSH reviewer/Director's Office – Leaton Jones

- ❖ Going well so far, will be visiting offices and there is a plan for new accidents

Compliance Update – PAUL SULLIVAN & NICOLE BROWN

- ❖ NHB: fed OSH review of Angelica Textile Decision: good idea to go over with staff
- ❖ PS: Talked about an asbestos removal job and the difference between PLM and point counts can be significant and could result in citations that should not be issued.
- ❖ PS: Prisoner workers: if working for private sector on work release they are covered by OSH but if working for the public sector, they are no covered by OSH
- ❖ PS: Presentation on What to Look for during Casefile Review. (see attached presentation)

ATTACHMENTS

1. Staff IH Report

2. Compliance Presentation (Do not print and handout b/c it contains screen shot examples from our current general schedule assignment list)

STAFF INDUSTRIAL HYGIENIST/COMPLAINT DESK UPDATE

IH Emphasis Program Tracker

Health Hazards

Data Current Through: Overall (Oct 2017-Sep 2018)

	Silica	Lead	Asbestos	Cr(VI)	Isocyanates	
	Results	Results	Results	Results	Results	Totals
	IY2018	IY2018	IY2018	IY2018	IY2018	IY2018
Number of Total Samples (with detectable results)	36	23	0	6	3	68
Number of Inspections (with detectable results)	18	9	0	5	3	35
# of Samples >2 SD Above Mean	N/A	N/A	N/A	N/A	N/A	
Average Severity - All Samples	4.41	5.04	#DIV/0!	0.09	1.12	
Average Severity - Company Averages	4.44	3.25	#DIV/0!	0.10	1.12	
Median Severity- All Samples	0.51	0.32	#NUM!	0.03	1.17	
Median Severity - Company Averages	1.15	0.35	#NUM!	0.03	1.17	
% of Samples >PEL	11.1%	39.1%	0.0%	0.0%	66.7%	
% of Inspections with Samples >PEL	16.7%	44.4%	0.0%	0.0%	66.7%	

FY 2018 Health Hazard Sampling

Complaints/Referrals/FatCat FY 2018

	East					West					ASH					Cumulative Overall Total
	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	
Complaints	241	262	312	306	1121	288	317	349	330	1284	5	2	3	4	14	2419
Referrals	87	78	78	98	341	87	117	107	130	441	8	5	7	20	40	822
Events (Fat/Cat)	13	10	11	14	48	16	18	19	19	72	2	0	1	0	3	123

Notes:

1) Includes all complaints, referrals and fat/cat that were entered but not necessarily inspected.

In addition to the complaints that were entered in OE, there were others that were not entered and placed on our unprocessed complaint log. These include complaints that are not in OSH jurisdiction (wages, discrimination, worker's comp, questions, beyond statute of limitation time frame, etc.)

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total	
1) "Unprocessed" Accidents/Referrals - due to not meeting reportable guidelines, not within OSHNC jurisdiction, etc. Not entered in OE, but logged for tracking.																
1st Qtr	23															
2nd Qtr	36															
3rd Qtr	24															
4th Qtr	35															
Total	118															

4) Events (Fat/Cat) include fatalities resulting from heart attacks and other natural causes.

Totals for FY 2018

	Totals	%
Total Incidents	697	
Inspections	160	23
Letters	513	74
No action	8	1
Phone discussion	13	2
	694	100