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March 2023

Ask the Director:

The Bureau Chiefs and Compliance Supervisors met recently in Asheboro. What information was covered and discussed during this meeting?

After a three-year absence, the OSH Division resumed our pre-pandemic practice of quarterly compliance supervisor meetings. The first meeting of 2023 was held on February 21 at Randolph Community College in Asheboro and was attended by nearly all the compliance supervisors, OSH Division bureau chiefs and other division staff. The meeting was a new opportunity for me in this role, and a first for several of our new supervisors. I really enjoyed the chance for the group to gather in one place, in person, and familiarize (or re-familiarize) ourselves with newer and more seasoned folks.



Paul and I opened the meeting with a brief Director's Office update, including a summary of the winter OSHSPA meeting in Vancouver, WA. The state-plan private meeting covered several topics relevant to North Carolina. We discussed OSHA's regulatory agenda which includes pending/proposed rulemaking for COVID-19 protections in healthcare, heat stress, administrative subpoenas, and several other draft rules. We are keeping our eye on these potential rules, as they will have an eventual impact on our program. We also heard a report on the Board's recent meeting with federal OSHA about concerns and inconsistencies in FAME reports across the regions and discussed options for supplementing the OSHA Training Institute's course offerings with state-plan states' internal training calendars (aka, sharing resources). More to come on each of these topics!

Consultative Services and ETTA partnered to create a one-page document that provides guidance to compliance on Star and Consultative Services inspection deferrals. Compliance officers have raised questions recently about the procedures for handling potential establishment deferrals, so the supervisor meeting was a good opportunity to clarify the procedures. In short, ETTA / Star Program deferrals begin once an application is received and pre-approved. Employers who request a visit from Consultative Services are eligible for a deferral from general schedule inspections once CSB receives a signed request for a full-service visit. If compliance officers have any questions about whether an establishment is on the deferral list, please contact the Star program or CSB directly. Your supervisor can also provide additional information and access to this one-page document .

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Director's Message Continued-

Anne Weaver indicated that the new inspection assignments for General Schedule Targeting for Safety and Health were posted on February 22. She is also working with bureau chiefs and SEP committee chairs to schedule a Strategic Management Plan (SMP) meeting. Our current 5-year plan ends September 30, which means the OSH Division will begin developing a new 5-year SMP for FFY 2024-2028. This planning process is integrally important to the work of the entire division, as the SMP drives nearly all of our goals and measures for the coming years.

Judyth Forte provided an update on the follow-up FAME report. This year, the regional office did not conduct an on-site visit as part of the follow-up report, and we expect to see a draft of the report in the next few days. Based on conversations with the regional office, we do not expect that the report will include any findings or observations. This is great news for the division and is a direct reflection on the quality of our compliance case files.

Paul updated the group on several recent changes that directly impact the compliance staff. He covered the recent changes to APN 16L (OSH Director's Office Citation and Settlement Authorization), specifically the changes to the types of cases requiring citation review as well as certain clarifications for fatality review meetings and the 60-day lapse report. We also discussed the recent changes to the Complaint Desk, including the use of CSHO trainees to handle email and some phone complaints. Since COVID, the Complaint Desk has experienced a much higher than usual number of complaints and accident referrals, and this is one way that we can assist the Complaint Desk staff while also providing a good learning opportunity for new compliance officers.

One of our most significant current challenges is recruitment and retention of compliance officers. As most of you are aware, the Division has been experimenting with unique strategies to fill vacant positions. One of those initiatives recently came to fruition and is reflected in our most recent job postings. First, some (but not all) postings will have language stating the position will be evaluated for trainee candidates if there are no fully qualified candidates. Additionally, OSHR approved education and experience changes for the SCO and the HCO positions, which means that we should see more fully qualified candidates in the pool and will allow for a two-year training progression for trainees. These changes are significant, and we are optimistic that they will result in a wider applicant pool and the ability to fill positions much more quickly.

We concluded the meeting with each district supervisor sharing updates on staffing, significant cases and other notes of interest. If you have any questions about the topics covered in the meeting, please feel free to ask your supervisor directly. As always, Paul and I appreciate your dedication and hard work to the OSH Division and to our state. Have a wonderful month and enjoy the start to spring!

-Jennifer 

Safety Awards

The N.C. Department of Labor's application window for workplace safety awards closed on February 15. Safety awards are presented to companies that have demonstrated above-average worker safety and health programs throughout the year. This is Labor Commissioner Josh Dobson's third safety award season, and he is excited to resume our normal schedule for in-person banquets.

Businesses that qualify for the award must meet two requirements. They must be free of fatalities at the site for which they are applying, and the site's injury and illness rate must be at least 50% below that of their industry's average rate. Safety award applications have been mailed and are coming in frequently. Those who qualify will be honored in their communities throughout the state at safety awards banquets co-sponsored by the N.C. Department of Labor, local chambers of commerce, the Safety and Health Council of North Carolina and other organizations.

The Banquet schedule is posted on the NCDOL website. If you can attend, please do.

The U.S. Department of Labor Decides To Not Revoke Arizona's State Plan

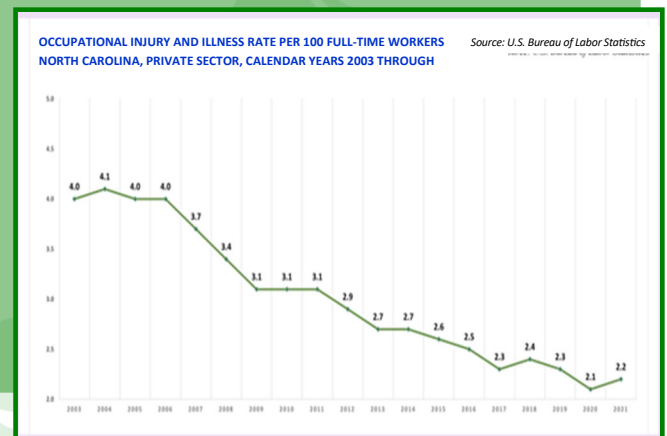
The U.S. Department of Labor announced on February 14, 2023, that the Occupational Safety and Health Administration (OSHA) will withdraw its proposal to reconsider and revoke final approval of Arizona's State Plan for occupational safety and health, and by doing so, will leave the state's plan in place.

OSHA approves and monitors all State Plans and provides as much as 50 percent of the funding for each program. State-run safety and health programs must be at least as effective (ALAE) as the federal OSHA program in protecting workers and in preventing work-related injuries, illness, and death. If OSHA determines a state plan is NOT ALAE during its annual monitoring, quarterly meetings, and ongoing communications, they can revoke their final approval standing.

OSHA accepted public comments on the revocation proposal through July 5, 2022. On that day, Arizona submitted a public comment advising OSHA that the state's plan had completed significant actions to address the concerns OSHA identified in the original Federal Register notice. The actions made by the Arizona State Plan included adopting outstanding federal standards and directives, enacting state laws to ensure that Arizona's future maximum and minimum penalty levels track with OSHA federal levels, and authorizing adoption of an emergency temporary standard when either OSHA or the Industrial Commission of Arizona determines that grave danger criteria are met.

Workplace Injury and Illness Rate

The U.S. Bureau of Labor and Statistics (BLS) released the 2021 rates. North Carolina maintained its non-fatal workplace injury and illness rate at historic lows of 2.2 cases per 100 full-time workers. North Carolina's rates are significantly lower than the national average of 2.7. The rates account for growth and contraction in total hours worked in industry. This is an important factor for North Carolina due to the significant growth we have seen in the state. This is all due to the hard work that you do in our respective bureaus.



New Complaint Desk Webform

Every month, the Complaint Desk receives over 300 unprocessed complaints on average. Each one of these complaints requires a CSHO at the Complaint Desk to review and classify the complaint, which takes a lot of time. In an effort to reduce the overall workload for the Complaint Desk, an Action Request was generated via Deborah Samad at the Complaint Desk for a Webform to be created on the NCDOL website. This request was sent to Jay Cronley, in the IT Division, to develop a question and answer style webform that directs the complainant to the appropriate state agency

or other organization that handles the complaint if it is not under the OSH Division's jurisdiction such as food safety, environmental issues, wage and hour complaints, and employment discrimination. This new webform is now active and can be found on the Occupational Safety and Health webpage under "Frequently Requested Information."

You Look Familiar, Are You New Around Here?

Meet Michael Greer. Michael is a recently promoted compliance safety and health officer II (CSHO) in the Asheville Field Office and is also a licensed UAS pilot for the NCDOL UAS/Drone team.

Michael is originally from central Florida and moved to Asheville around 2017 with his family. Prior to working in the OSH Division, Michael served in the United States Air Force for over 10 years. The first six years were in active duty as an Electrician with multiple duty stations such as Tyndall AFB, Minot AFB, and Ramstein AB in Germany. Michael mainly worked on



the airfield lighting systems for military aircraft but was also trained in high voltage and low voltage systems. After his six year enlistment in active duty was up, he separated and transitioned to the United States Air Force Reserves at MacDill AFB in Tampa, FL. In the USAF Reserves, Michael cross trained into Bioenvironmental Engineering, which combines emergency response, occupational health and safety, environmental health, and radiation into one career field.

After Michael transitioned to the reserves, which was one weekend a month, he decided to try a completely different career field. He attended EMT school in Panama City, FL and Fire School in Lecanto, FL. After obtaining his EMT and Fire credentials, Michael got a job with the Citrus County Fire Department. During his stay there he made his way through the ranks on the Operations side and was a firefighter on a fire truck for a few years, the driver or fire engineer and then moved over to Fire Pre-

vention. While in Fire Prevention, Michael was hired as a fire inspector and advanced to become the Fire Marshal for Citrus County. He stayed with the job for a few years and then decided to move his family to Asheville to pursue a different career and lifestyle, out of the Florida heat.

After moving to Asheville, Michael saw a position opening with the NCDOL as a compliance safety and health officer I and decided to apply for the job. It was a career somewhat like the fire department, in that he would be involved in helping others. Instead of assisting the population with public safety, Michael would be assisting the employees of North Carolina with occupational safety.

Michael has been with the department for over five years and anticipates continuing to enjoy his work with the department. Recently, Michael obtained his bachelor's degree in Occupational Health and Safety and also became a Certified Safety Professional.

Outside of work, Michael enjoys spending time with his wife and two sons. He enjoys working out to stay healthy, eating at yummy restaurants, and hiking around Asheville to catch amazing mountain views and beautiful waterfalls. He also stays pretty busy with the kids and all their school sports and after school activities.

If you ever find yourself in the Asheville area and need any restaurant or hiking ideas, Michael says to give him a shout.

Retirement Celebration for Chris Oberst

Thank you to everyone who wished Chris well on his retirement after 27 years with NCDOL.

Chris was presented the Certificate of Appreciation from NCDOL by OSH Director Jennifer Haigwood and the Old North State Award from Chief of Staff Scott Mabry at a lovely luncheon reception in Winston Salem.

Congratulations



Safety and Health Steering Committee Meeting

The last Safety and Health Steering Committee Meeting was held on January 10, 2023, and the following issues were discussed.

Intranet Pages

- Any subcommittee minutes and information must be sent to Jiles Manning and Todd McNoldy for it to be placed in the LBDOS folder under SHSC in the F Drive. There is no assigned IT person to do this task currently.

Building Emergency Coordinators

- Charity Locklear updated the floor monitors for the ORB (33) and the file is updated in the F Drive. Annual training was scheduled and completed for the new floor monitors in February.

New Safety and Health Committee Secretary

- Skyler Allen was unanimously voted in as the new committee secretary.



Ergonomics Subcommittee

- The policy was updated as approved in the last meeting. It is uploaded to the intranet and is available to employees. To request an ergonomics evaluation, the form is available on the intranet and must be completed by the supervisor.

NCDOL Injury and Illness Update

- For 2022, NCDOL had four people seek medical attention, one individual lost two workdays, and one individual was placed on restricted duties.

Next Meeting-April 11, 2023 at 2:00 pm.

ASH Gold Star Growers

ASH held its 29th Annual Gold Star Growers meeting at the NCSU McKimmon Center on February 2.

The training sessions and awards banquet had 137 farm representatives present. Andy Sterlen from ETTA provided training on Forklift Safety. The N.C. Agribusiness Council gave an update on the Farm Labor Contractor Accreditation and Training program. Commissioner Dobson gave a Labor Department update and presented the certificates to the Double Gold Star Grower Award recipients.

To be a Gold Star Grower you must register your farmworker housing with ASH at least 45 days prior to occupancy. The grower must have had the local health department inspect and approve the water and septic system 45 days prior to occupancy and have their housing in 100 percent compliance at the time of the preoccupancy inspection. The establishment also must take steps to go beyond the requirements and provide above par housing. Each site determines how and what they improve.

If an establishment meets the Double Gold Star Grower standard, then they are eligible for self-inspection of their housing in the upcoming year. ASH staff made presentations to the Most Improved Housing.

2021 Award Recipients:

- Most Improved Housing: AMD Farms** —presented by Kathy Capps, NCDOL Compliance Safety and Health Officer II
- Best Maintained Housing: Sandy Plain Sod LLC** — Presented by Alan Fortner, NCDOL Compliance Safety and Health Officer I
- Best New Housing: WF Partnership**— presented by Gerald Miller, NCDOL Compliance Safety and Health Officer I

2022 Award Recipient:

- Housing of the Year: Costa Farms, LLC** — presented by Beth Rodman, ASH Bureau Chief

Status of Fiscal Year Compliance Inspection Goals (through 1/31/23)

| Type of Inspection | FY2023 Goal | 4-Month Goal | 4-Month Actual | % of Goal to Date | Trend |
|--------------------------------------------|-------------|--------------|----------------|-------------------|-------|
| Total Compliance Inspections | 1,900 | 633 | 446 | 70% | ↑ |
| Construction Inspections | 800 | 267 | 209 | 78% | ↑ |
| Public Sector Inspections | 95 | 32 | 24 | 75% | ↓ |
| Logging/Arborist SEP Inspections | 20 | 6.7 | 4 | 59% | ↓ |
| Health Hazard SEP Inspections | 60 | 20 | 20 | 100% | ↑ |
| Long Term Care SEP Inspections | 24 | 8 | 8 | 100% | ↔ |
| Grocery & Related Products SEP Inspections | 20 | 6.7 | 3 | 45% | ↑ |
| Food Manufacturing SEP Inspections | 25 | 8 | 8 | 100% | ↑ |
| Amputation SEP Inspections | 150 | 50 | 47 | 94% | ↑ |

Status of Fiscal Year Compliance Strategic Goals (through 1/31/23)

| Strategic Goal | Goal | Actual to Date |
|-----------------------------------------------------------------|-----------------------------------|-------------------------------|
| In-Compliance Rate (all inspections in FY2023) | <35% | 37.4% |
| SAMM In-Compliance Rate – Safety (based on closed/issued cases) | <35% | 33.1% |
| SAMM In-Compliance Rate – Health (based on closed/issued cases) | <35% | 37.2% |
| SAMM Lapse Time – Safety | < 40 days | 59.7 days |
| SAMM Lapse Time – Health | < 40 days | 64.4 days |
| Follow-up Inspections (%) | 5% | 2.2% |
| Logging Fatalities | 7 fatalities during baseline year | 1 (on pace for 3 fatalities) |
| Construction Fatalities | 32 fatalities in baseline year | 6 (on pace for 18 fatalities) |

Status of Fiscal Year ASH Compliance Strategic Goals

| Strategic Goal | FY 2023 Goal | 4-Month Goal | 4-Month Actual | % of FY Goal to date |
|-----------------------------------|--------------|--------------|----------------|----------------------|
| Pre-Occupancy Camps Inspected | 1,875 | 625 | 717 | 115% |
| Certificates Issued | 1,750 | 583 | 541 | 93% |
| Outreach to Hispanic Farm Workers | 100 | 33 | 29 | 88% |
| Education Material Distributed | 2,400 | 800 | 2,056 | 257% |

Status of Fiscal Year Consultation Strategic Goals

| Strategic Goal | FY2023 Goal | 4-Month Goal | 4-Month Actual | % of FY Goal to date |
|--------------------------------------------|-------------|--------------|----------------|----------------------|
| Hazards Eliminated | 4,800 | 1,600 | 1,969 | 123% |
| PRIVATE Consultative Visits | 1,125 | 375 | 402 | 107% |
| Construction Visits | 290 | 97 | 142 | 146% |
| Logging Visits | 15 | 5 | 6 | 120% |
| LTC Visits | 30 | 10 | 14 | 140% |
| Documentation of Health Hazard Inspections | 125 | 42 | 67 | 160% |
| Food Inspections | 12 | 4 | 9 | 225% |
| Program Improvements | 750 | 250 | 407 | 163% |

Status of Fiscal Year ETTA Strategic Goals

| Strategic Goal | FY2023 Goal | 4-Month Goal | 4-Month Actual | % of FY Goal to date |
|-------------------------------------------|-------------|--------------|----------------|----------------------|
| Construction SEP 10 Hour Course | 5 | 2 | 2 | 100% |
| Construction SEP 30 Hour Course | 1 | 1 | 1 | 100% |
| Logging/Arborist Events | 5 | 2 | 2 | 100% |
| LTC Events | 2 | 1 | 0 | 0% |
| Health Hazard Events | 20 | 7 | 7 | 100% |
| Public Sector Training Events | 5 | 2 | 2 | 100% |
| Program Improvements | 60 | 20 | 38 | 190% |
| Total Star Sites (new/recertifications) | 20 | 7 | 6 | 86% |
| Total Star Program Interventions | 100 | 33 | 46 | 140% |
| Total Persons Trained by ETTA | 5,350 | 1,783 | 1,576 | 88% |
| Total Persons Trained in Identified Areas | 1,500 | 500 | 566 | 113% |
| Publications Distributed | 45,000 | 1,5000 | 13,888 | 95% |

Thanks for all you do!

*Jennifer &
Paul*

