

North Carolina Department of Labor  
Division of Occupational Safety and Health  
Raleigh, North Carolina

Field Information System

Operational Procedure Notice #119  
SN/OPN Manual

***Subject:*** Administration of Federal OSHA Final Rules and Standards Amendments

**A. Purpose.** This notice establishes the OSHNC protocol for the internal review of additions, deletions, and amendments to federal OSHA standards, including the resulting records. It is not intended to repeat or conflict with General Statutes, Code of Federal Regulation standards, or NCAC rules and requirements.

**B. Scope.** This notice applies statewide.

**C. Discussion.** As a State-Plan State, OSHNC is obligated to follow the requirements of 29 CFR 1953.23 as well as the evaluation and record retention requirements of the N.C. General Statutes and applicable NCAC rules. This, when federal OSHA issues a permanent standard, or issues a more stringent amendment to an existing standard, OSHNC must take rulemaking action within 6-months.

Therefore, the primary objectives of these instructions are:

(1) To ensure a complete and timely evaluation of each change to the federal OSHA standards, and

(2) To ensure that a record of each decision is maintained in a readily retrievable and predictable order.

**D. Expiration.** This Notice will remain in effect until amended or cancelled by the Director.

**E. Action.** OSHNC personnel shall comply with the attached instruction. OSHNC management shall assure that the guidance contained in this OPN is followed.

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### **New/Amended Federal Rule: Recommendation Instructions**

Within 2-4 days of the www.osha.gov posting of a federal OSHA Final Rule, Amendment Notice or Change Notice as published in the *Federal Register* the **ETTA Bureau Chief** or designee(s) shall:

- fill out the top section of the Adoption Recommendation form including designation of a Lead Reviewer, and the calculation of due dates
- print out the .PDF version of the *Federal Register* posting,
- attach the FR printout to the form, and
- forward the package to the Lead Reviewer.
- If the *Federal Register* Notice is significant, notify appropriate interested OSHNC personnel including but not limited to the Regulatory Coordinator, and Safety or Health Bureau Chiefs/Supervisors. The notification may be oral, written, or e-mailed and should include a summary of the Final Rule or Notice, the name of the Lead Reviewer, and the dates that tasks, input, or other actions, are targeted for completion.

Within 20-30 days that the FR notice was published, the **Lead Reviewer** shall complete the Adoption Recommendation form, including adding appropriate attachments, and forward the originals and copies as specified on the form.

- If it is clearly a simple verbatim adoption, this process should be expedited.
- If it is a complicated package, or there are other unusual circumstances, a meeting of key players should be scheduled by the Lead Reviewer. The purposes of the meeting are to identify necessary tasks and to ensure that everyone understands and accepts their responsibilities and due dates. The Lead Reviewer, a representative(s) from the affected Bureau (Bureau Chief or Supervisor level is recommended), the Regulatory Coordinator, and the State Plan Coordinator are the recommended minimum attendees for such a meeting.

Upon receipt of the completed package, the **Regulatory Coordinator** shall proceed with necessary rule-making actions, prepare FIS CFRs as appropriate, and maintain the completed forms as part of the rule-making record for the related NCAC rule(s).

### **Definitions**

**Recommendation due date** The target date for the Lead Assessor to submit a completed Recommendation package to the Regulatory Coordinator.

**Full Disposition due date** The date (6-months from the publication date) when reviews and rule-making actions shall be complete.

Adoption Recommendation Form

[Microsoft Word Version](#)

[WordPerfect Version](#)