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November 29, 2021

Mr. Kurt Petermeyer, Regional Administrator  
U S Department of Labor, Occupational Safety and Health Administration  
Atlanta Federal Center, Room 6T50  
61 Forsyth Street, SW  
Atlanta, GA 30303

**Attention to: Monica McKenzie**, Consultation Program Manager, Region IV, Cooperative and State Programs

Re: North Carolina FY 2021 Consultation Annual Project Report (CAPR) for 21(d) grant

Dear Mr. Petermeyer:

Enclosed is the North Carolina 21(d) Consultation Annual Project Report for Federal Fiscal Year 2021. The data is from the private sector visits supported by the 21(d) grant. Federal funding provided by the 21(d) grant is insufficient to support program needs. As a result, North Carolina significantly overmatches state funding obligations to ensure program effectiveness. Activities conducted with unmatched federal funding are included in this report.

Since North Carolina is a State Plan State, a significant amount of information requested in this report is also included in the State OSHA Annual Report (SOAR). Should you have any further questions or need any additional information or assistance, please give me a call at (919) 707-7840.

Sincerely,

Kevin O'Barr, Program Manager

cc: Americo Pagan, Kevin Beauregard, Judyth Forte

North Carolina

Consultation Annual Program Report (CAPR)

FY 2021

Kevin O'Barr, Program Manager

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## Consultation Annual Performance Report (CAPR)

### I. Executive Summary

- a. The North Carolina on-site consultation program is part of the North Carolina Department of Labor and part of the approved state plan. The consultation program aligns its strategic goals with the state's strategic management plan which both contain overall goals to lower the injury and illness rates of employers throughout the state. The program manager is in Raleigh, NC and the consultants are dispersed throughout the state.
- b. The state designee in North Carolina is the Commissioner of Labor, Josh Dobson, who is a statewide elected official. The state plan Director is Kevin Beauregard, Deputy Commissioner of Labor. The consultation program manager is Kevin O'Barr.
- c. The North Carolina program covers the public sector with 23(g) funding from the state plan grant. Our 21(d) covers private sector employers. North Carolina did not lapse or deobligate any funds and remains in need of additional recurring federal 21(d) funding. The program is adversely impacted due to federal undermatch of its 21(d) funds and is in danger of losing a position due to the lack of significant increase of grant funding. At the time of this writing, a federal budget for FY 2022 has not been passed.
- d. North Carolina consultants continued to work diligently throughout the past year reaching all the program goals. Consultants used the virtual visit, as necessary, to provide services during the year and continued on-site visits when considered safe to do so. North Carolina participated in providing virtual visit training with other programs around the country and sharing our experiences. The program activities were successful during FY 21.

## II. Discussion of Results in Achieving CAPP Performance Goals

- a. North Carolina reached its CAPP goals during FY 21. A reduced number of onsite visits was supplemented by virtual visits. These two strategies combined delivered good results for the program.
  - i. The program goals are targeted to high hazard industries and are part of the state's approved strategic management plan. The chart below contains: 1) a summary of all strategic goals 2) associated consultation visit goals outlined in the 2021 CAPP and 3) the resulting FY21 visits and accomplishments.

<b>Strategic Goals Chart</b>	
<b>Strategic Goal # 1 - Total reduction in injury and illness rates</b>	
Conduct 775 visits in the private sector and eliminate 5,000 serious hazards overall.	NC conducted 1,199 visits in the private sector and eliminated 4,457 serious hazards in the private sector 5,047 total serious hazards eliminated.
<b>Strategic Goal # 2 - Reduce the fatality rate in Construction</b>	
Conduct 250 visits in NAICS 23 within the strategic management plan (SMP) specifications.	NC conducted 437 visits in NAICS 23, including virtual visits during the ongoing pandemic.
<b>Strategic Goal # 3- Reduce the fatality rate in NAICS 11331 and 56173 (logging and arboriculture)</b>	
Conduct at least 15 visits and provide training.	NC conducted 17 visits in the logging and arboriculture NAICS.
<b>Strategic Goal # 4- Reduce the injury and illness rate in NAICS 4244, Grocery and Related Product Wholesalers</b>	
Conduct 3 visits	NC conducted 8 visits in NAICS 4244.
<b>Strategic Goal # 5- Reduce the injury and illness rate in NAICS 623, Long Term Care</b>	
Conduct 10 visits	NC was able to conduct 44 visits in this NAICS including virtual visits. Many facilities in this industry were closed to visitors due to the ongoing pandemic.
<b>Strategic Goal # 6- Reduce exposures to health hazards</b>	
Conduct 125 visits that address the chemical hazards of asbestos, Hexavalent Chromium, Isocyanates, Lead, and Silica.	NC conducted 169 visits where exposure to these chemicals of concern were addressed. There were 119 visits associated with silica exposure.
<b>Strategic Goal # 7- Reduce the injury and illness rate of NAICS 311, Food Manufacturing</b>	
Conduct 12 visits	NC conducted 16 visits in NAICS 311.

ii. Projected Visits Versus Actual Visits: Thanks to the availability of a virtual visit option and the North Carolina consultant's willingness to embrace the new technology, NC was able to achieve all its goals for FY 2021.

***Projected Visits Versus Actual Visits – State Plan chart***

	Safety		Health		Both		Total	
	P	A	P	A	P	A	P	A
<b>ACTIVITY &amp; AREAS OF EMPHASIS*</b>								
<b>1. Total Visits</b>	494		281		0		775	1,199
a. Agriculture	15		0		0		15	17
b. Construction	200		50		0		250	437
c. General Industry	279		231		0		510	745
d. Manufacturing is included in GI (31-33)	0		0		0		0	319
e. Maritime	0		0		0		0	0
Safety		Health		Both		Total		
<b>2. Visits Related to Emphasis Industries</b>	P	A	P	A	P	A	P	A
a. Construction							250	437
b. Logging / Arboriculture							15	17
b. Grocery and Related Product Wholesalers							3	8
c. Long Term Care							10	44
d. Food Manufacturing							12	16
<b>Total Visits Related to Emphasis Industries</b>							370	522
<b>3. Visits Related to Emphasis Safety and Health Hazards</b>	Safety		Health		Both		Total	
a. Health Hazards (Pb, Si, Cr6+, Isocyanate, Asbestos)	P	A	P	A	P	A	P	A
							125	169
							Total	
<b>4. Compliance Assistance Activities</b>							P	A
SHARP sites (114 private GI, 5 construction)							140	119
Interventions in private sector							200	231
Training							2100	3934

i. Total Serious Hazards Identified per Consultation Visit

***Total Serious Hazards Identified per Consultation Visit***

<b><i>Total Serious Hazards Identified per Consultation Visit*</i></b>			
<b>Fiscal Year</b>	<b>Number of Initial Visits</b>	<b>Number of Serious Hazards Identified During ALL Visits**</b>	<b>Average Number of Serious Hazards Identified per Initial Visit</b>
FY 2019	1,212	6,559	5.4
FY 2020	872	4,039	4.6
FY 2021	1,013	4,457	4.4
<b>Average</b>	<b>1,032</b>	<b>5,018</b>	<b>4.9</b>

**Insert Analysis Here:** The decrease in hazards per visit is likely related to the pandemic and virtual visits. Fewer hazards are identified on a virtual visit than an onsite walkthrough, due to limitations of the consultant accessing all areas within a facility via available technology. This decrease in average serious hazards identified per initial visit is likely a temporary dip and does not create a long-term concern. NC projected a total program elimination of 5,000 serious hazards and reached that total program goal with 5,044 serious hazards eliminated.

\*Use the total number of serious hazards identified during all visits (Initial, Training and Education, and Follow-Up).

ii. Visit Comparisons – Initial, Training and Education, and Follow-up

***Visit Comparisons – Initial, Training and Education, and Follow-up***

<b><i>Visit Comparisons – Initial, Training and Education, and Follow-up*</i></b>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Initial</b>	1,212	872	1,013
<b>Follow-up</b>	109	64	72
<b>Training and Education</b>	132	122	114
<b>Total Visits</b>	1,453	1,058	1,199
<b>CAPP Projection</b>	1,165	859	775
<b>Percent of CAPP Projection Completed</b>	125%	123%	155%

**Insert Analysis Here:** When the FY 2021 projection was made, the virtual visit policy and implementation had not been fully implemented. The 307 virtual visits that NC conducted allowed us to greatly surpass our predicted visits. The FY 22 goals have been raised to levels closer to pre-pandemic levels.

\*The data for this chart can be found in the state's End of Year CNS Metrics Report or CNS Statistics Report in OIS, dated xx-xx-xx.

iii. Exposure Monitoring

**Exposure Monitoring**

<b>Exposure Monitoring per Number of Initial and Follow-up Visits for Health and/or "Both"</b> <i>(Exposure Monitoring includes any air/noise monitoring, direct readings, and wipe/bulk sampling performed during a Consultation visit)</i>			
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
Initial Visits and Follow-up Visits with Sampling*	38	41	89
# Initial health	519	339	518
Percent of Initial and Follow-up Visits with Sampling**	7.3%	12.1%	17.2%
Which Lab(s) analyzed the samples:	Wisconsin Occupational Health Laboratory		
Does the program enter sampling Data/information into OIS?	Yes <input type="checkbox"/> No <input type="checkbox"/> North Carolina transfers data from our OSHA Express system to OIS.		
<b>Insert Analysis Here:</b> During FY 2021, NC identified overexposures to noise and silica from their field sampling.			

iv. Safety and Health Achievement Recognition Program (SHARP) Statistics

**Safety and Health Achievement Recognition Program (SHARP) Statistics**

<b>Safety and Health Achievement Recognition Program (SHARP) Statistics*</b>									
New		Renewed		Withdrawn or Expired	Terminated	EOY Total SHARP		EOY Total Pre-SHARP	
Proj.	Actual	Proj.	Actual	Actual	Actual	Proj.	Actual	Proj.	Actual
12	7	49	48	11	0	126	111	4	3
<b>Insert Analysis Here:</b> The impact of the pandemic on businesses resulted in fewer new SHARP applicants for the year. Some industries such as Long-Term Care had significantly higher recordable rates which caused several employers not to continue with the program. North Carolina still has strong SHARP participation, and we have no concerns about the strength of the program..									
Is the program's OIS SHARP Summary Report Complete?			Yes, all active SHARP worksites are listed <input type="checkbox"/> The approval blocks for a SHARP site are different in our state plan than they are in the federal states, which results in the approval data not showing clearly in OIS. We keep the national office updated with our data. No, not all active SHARP worksites are listed <input checked="" type="checkbox"/>						

\*The SHARP totals can be found in the state's SHARP Summary Report and CAPP Tracking Report in OIS, dated xx-xx-xx. If the OIS report(s) is incomplete, the state's internal SHARP log should be used.

v. Other related activities explanations or charts

1. Onsite Consultation Hazards Identified and Workers Removed from Hazards.

***On-Site Consultation Hazards Identified and Workers Removed from Hazards***

Hazard Type in private sector visits	# Identified	# of Employees at Risk
<b>Imminent</b>	0	0
<b>Regulatory</b>	56	0
<b>Serious</b>	4,457	103,992
<b>Other-Than-Serious</b>	337	7,363
<b>Total</b>	4,850	111,355

- e. Staffing: NC experienced one safety consultant vacancy in FY 21 due to retirement. The position was held vacant awaiting a budget for FY
- i. On-site Consultation Program Staff Chart

ON-SITE CONSULTATION PROGRAM STAFF CATEGORY	NUMBER of 21(d) FTE TOTALS			
	FILLED		VACANT	
	Start	End	Start	End
1. Management	0.9	0.9	0.0	0.0
2. Supervisors	2.4	2.4	0.0	0.0
3. Consultants – Safety	8.8	8.0	0.0	0.8
4. Consultants – Health	6.4	6.4	0.0	0.0
5. Clerical/Data Systems Support	1.6	1.6	0.0	0.0
6. Marketing Staff	0.0	0.0	0.0	0.0
7. Trainers	0.0	0.0	0.0	0.0
8. Other (identify)	0.0	0.0	0.0	0.0
<b>TOTALS</b>	20.1	19.3	0.0	0.8

f. Assessment of Mandated Activities Report for Consultation (MARC)

Performance Measures: In the chart below is a summary of the program's performance meeting the MARC measures.

***Mandated Activities Report for Consultation (MARC) Performance Measures***

<b>Mandated Activities Report for Consultation (MARC) Performance Measures</b>				
<b>Performance Measure</b>	<b>GOAL</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
1.) % of Initial Visits in High Hazard Establishments.	90%	97.3	100	99.8
2.) % of Initial Visits to Small Businesses <250	90%	96.8	97.3	97.8
3.) % of Initial Visits where an Employee was Interviewed	100%	100	100	100
4a.) % of Serious Hazards Verified Corrected Timely (<=14 days of Latest Correction Due Date)	100%	100	100	100
4b.) % of Serious Hazards NOT Verified Corrected Timely (>14 days after Latest Correction Due Date)	0%	0.09	0	0
4c.) % of Serious Hazards Referred to Enforcement		8	0	0
4d.) % of Serious Hazards Verified Corrected (In original time or On-Site)	65%	97.1	98.1	96.9
5.) Number of Hazards Uncorrected for over 90 Days.	0	0	0	0

**Insert Analysis Here:** The three hazards that were not verified within 14 days during FY 21 were verified in 17 days; all three hazards were from the same visit and employer. There is no concern about the programs ability to verify hazards abated. The eight hazards referred to compliance in FY 21 were all from one visit.

g. **Marketing:** Despite the backlog of requests, the North Carolina Consultation Program continues to market its services at association conventions, on the website, in agency publications, and through its SHARP success stories submitted to OSHA. The North Carolina Department of Labor launched a podcast series and the episode featuring our consultation program is one of the highest viewed episodes with over 200 at the time of this writing. The SHARP program in North Carolina remains one of the largest in the nation (when including 23(g) funds), which is reflective of the State's growth overall. The entire department promotes the program with brochures, direct marketing (including billboards through an alliance), presence on the website and inclusion in speeches. Annual reviews of the employers in the program and sharing success stories with others throughout the state have been and will continue to be very successful and effective in promoting, sustaining, and growing the program.

in North Carolina. Targeted mailings are sent to employers in our identified Special Emphasis Programs defined in the strategic plan. NC also used OSHA's Injury Tracking Application data to mail to 608 small employers in NC with multiple recordables.

h. **Other:** North Carolina has many staff with professional certifications allowing us to provide high quality service to the employers of NC.

<b>Staff Name</b>	<b>Safety and Health Certifications</b>
Mark Taylor, Health Consultant	<b>CSP 20591, CIH 9830</b>
Kevin Beauregard, State Plan Director	<b>CSP 20490</b>
Mark Luniewski, Safety Consultant	<b>ASP 26976</b>
Jiles Manning, Health Consultant	<b>CIH 11033, CSP 37098</b>
Lee McKinney, Health Consultant	<b>CSP 31753, CIH 10460</b>
Buddy Amerson, Safety Consultant	<b>CSP 32310</b>
Kevin O'Barr, Program Manager	<b>CSP 32519</b>
Twanette Haiser, Health Consultant	<b>CSP 15443</b>
Nelson Edwards, Supervisor	<b>CSP 36649</b>
Abigail Newton, Health Consultant	<b>CIH 11381</b>
Bruce Pearson, Safety Consultant	<b>ASP 28671 CSP 34985</b>
Fleda Anderson, Supervisor	<b>CIH 11784</b>
<b>As of October 1, 2021</b>	

### **III. Special Accomplishments.**

- CSB program manager, Kevin O'Barr, worked on a federal committee and developed and delivered training on conducting virtual visits. North Carolina was a national leader in using the new virtual visit technology and policy.
- There were 111 private sector companies participating in the Safety and Health Achievement Recognition Program (SHARP) with three in pre-SHARP. In addition, there were five construction SHARP companies, and 47 public sector SHARP with three in pre-SHARP.
- CSB mailed 1,161 letters to employers with an Experience Modifier Rate (EMR) of 1.5 or higher informing them of their obligations and offering the on-site consultation service to them.
- Using federal data from OSHA's ITA (injury tracking application), CSB mailed 608 letters to small employers with multiple recordable cases notifying them of the availability of on-site consultative services.
- The Consultative Services program manager and Dr. Ahmed Al-Bayati, a construction safety research professor, presented their research results regarding the use of the workers' compensation experience modifier rate (EMR) as a safety pre-qualifier to the National ASSP convention in Austin, TX.
- The CSB has a task/measure called "intervention" that is different from onsite visits. During FFY 2021, 259 interventions were conducted (231 private sector). Activities included substantive telephone and email correspondence, off site technical training, regulation interpretations, and presentations.
- In February 2021, the consultation program had its 21(d) grant audit, which resulted in no findings or recommendations and confirmed the program is well run and managed.

### **IV. Other Issues or Adjustments.** NC has no unique obstacles or new issues to report this year.

## **V. Internal Quality Assurance Program (IQAP).**

Our quality program ensures that Consultative Services program goals and objectives are met. There is a system in place for any staff member to initiate a change request for any reason. The complete text of our Bureau Quality Plan and Bureau Quality Operating Procedures is maintained as a controlled document on the Department's Intranet site. The Consultative Services Bureau (CSB) continues to provide a quality system for auditing case files, hiring, training and supervising personnel. Consultative Services conducts quality meetings on as needed basis. CSB strives to provide efficient, effective, and quality consultation services to all its customers. There were no change requests received during FY 21 to the content of the Internal Quality Assurance Program. North Carolina On-site Consultation has three geographic districts. Each district supervisor will accompany each consultant on two visits during the work plan year. This policy is one part of the Internal Quality Assurance Program that is field based and has been successfully implemented for many years.