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DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

November 29, 2022

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: Daniel Fithian, Consultation Program Manager, Cooperative and State Programs

Re: North Carolina Federal Fiscal Year 2022 (FY 22) Consultation Annual Project Report for the on-site consultation 21(d) grant

Dear Mr. Petermeyer:

Enclosed is the North Carolina 21(d) Consultation Annual Project Report for Federal Fiscal Year 2022. 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 the state overmatch 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 call me at (919) 707-7840.

Sincerely,

Kevin O'Barr, Program Manager

cc: Americo Pagan, Jennifer Haigwood, Judyth Forte

North Carolina

Consultation Annual Program Report

FY 22

Kevin O'Barr, Program Manager

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Consultation Annual Performance Report

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, N.C. 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 Jennifer Haigwood, 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 remains in danger of losing a position due to the lack of 21(d) grant funding.
- 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 22.

II. Discussion of Results in Achieving CAPP Performance Goals

- a. **Discussion** of performance in achieving CAPP performance goals. North Carolina reached its CAPP goals during FY 22. Most visits were conducted on-site; however, the program still made use of the virtual visit option, conducting 163 virtual visits, which was 13% of our total visits. The program performance was spectacular in achieving its goals. The details and numerical measures are shown below in several charts.
- b. **Analysis** of the effectiveness of the goals. The program goals are targeted to high hazard industries and are part of the state's approved strategic management plan. The goals seem to be highly effective as the North Carolina injury and illness recordable rate remains well below that of the federal states. The chart below contains: 1) a summary of all strategic goals 2) associated consultation visit goals outlined in the FY 22 CAPP and 3) the resulting FY 22 visits and accomplishments.

Strategic Goals Chart	
Strategic Goal # 1 - Total reduction in injury and illness rates	
Conduct 1,115 visits in the private sector and eliminate 4,800 serious hazards overall.	NC conducted 1,254 visits in the private sector and eliminated 5,195 serious hazards in the private sector.
Strategic Goal # 2 - Reduce the fatality rate in Construction	
Conduct 250 visits in NAICS 23 within the strategic management plan (SMP) specifications.	NC conducted 429 visits in NAICS 23, which met our strategic plan criteria.
Strategic Goal # 3- Reduce the fatality rate in NAICS 11331 and 56173 (logging and arboriculture)	
Conduct at least 15 visits and provide training	NC conducted 17 visits in the logging and arboriculture NAICS.
Strategic Goal # 4- Reduce the injury and illness rate in NAICS 4244, Grocery and Related Product Wholesalers	
Conduct 3 visits	NC conducted 3 visits in NAICS 4244.
Strategic Goal # 5- Reduce the injury and illness rate in NAICS 623, Long Term Care	
Conduct 35 visits	NC conducted 41 visits in this NAICS.
Strategic Goal # 6- Reduce exposures to health hazards	
Conduct 125 visits that address the chemical hazards of asbestos, Hexavalent Chromium, Isocyanates, Lead, and Silica.	NC conducted 173 visits where exposure to these chemicals of concern were addressed. There were 119 visits associated with silica exposure.
Strategic Goal # 7- Reduce the injury and illness rate of NAICS 311, Food Manufacturing	
Conduct 12 visits	NC conducted 24 visits in NAICS 311.

- i. Projected Visits Versus Actual Visits: Thanks to the availability of a virtual visit option and the North Carolina consultants' willingness to embrace the new technology, N.C. was able to achieve all its annual goals.

Projected Visits Versus Actual Visits – State Plan chart

ACTIVITY & AREAS OF EMPHASIS*	Safety		Health		Both		Total	
	P	A	P	A	P	A	P	A
1. Total Visits	494	795	281	459	0		775	1,254
a) Agriculture	15	11	0	4	0		15	15
b) Construction	200	332	50	97	0		250	429
c) General Industry (all visits not in Ag or Construction)	279	452	231	358	0		510	810
d) Manufacturing is included in GI (31-33)	0	181	0	172	0		0	353
e) Maritime	0		0		0		0	0
2. Visits Related to Emphasis Industries	Safety		Health		Both		Total	
	P	A	P	A	P	A	P	A
a) Construction							250	429
b) Logging / Arboriculture							15	17
c) Grocery and Related Product Wholesalers							3	3
d) Long Term Care							10	41
e) Food Manufacturing							12	24
Total Visits Related to Emphasis Industries							370	514
3. Visits Related to Emphasis Safety and Health Hazards	Safety		Health		Both		Total	
	P	A	P	A	P	A	P	A
a) Health Hazards (Pb, Si, Cr6+, Isocyanate, Asbestos)							125	173
b) Amputations							100	156
								Total
4. Compliance Assistance Activities							P	A
SHARP sites (105 private GI, 6 construction)							140	111
Interventions in private sector							200	209
Employees trained (from SMP spreadsheet)							2,100	3,755

Total Serious Hazards Identified per Consultation Visit

<i>Total Serious Hazards Identified per Consultation Visit</i>			
Federal Fiscal Year	Number of Initial Visits	Number of Serious Hazards Identified During ALL Visits	Average Number of Serious Hazards Identified per Initial Visit
FY 20	872	4,039	4.6
FY 21	1,013	4,457	4.4
FY 22	1,058	5,195	4.9
Average	981	4,564	4.7

Insert Analysis Here: The North Carolina program is on an upward trend of visits and hazards identified coming out of the pandemic.

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

<i>Visit Comparisons – Initial, Training and Education, and Follow-up</i>			
	FY 20	FY 21	FY 22
Initial	872	1,013	1,058
Follow-up	64	72	82
Training and Education	122	114	114
Total Visits	1,058	1,199	1,254
CAPP Projection	859	775	1,115
Percent of CAPP Projection Completed	123%	155%	112%

Insert Analysis Here: North Carolina is on an upward trend in visits coming out of the pandemic.

Exposure Monitoring

Exposure Monitoring per Number of Initial and Follow-up Visits for Health and/or "Both" <i>(Exposure Monitoring includes any air/noise monitoring, direct readings, and wipe/bulk sampling performed during a Consultation visit)</i>			
	FY 20	FY 21	FY 22
Initial Visits and Follow-up Visits with Sampling	41	89	82
# Initial health	339	518	522
Percent of Initial and Follow-up Visits with Sampling	12.1%	17.2%	15.7%
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 into OIS on a daily basis.		
Insert Analysis Here:	During FY 22, N.C. consultants identified overexposures to noise and silica from their field sampling.		

Safety and Health Achievement Recognition Program (SHARP) Statistics

ii. Other related activities explanations or charts

1. On-site 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
This data is from OIS.		This data is from OIS.
Imminent	0	0
Regulatory	62	4,072
Serious	5,038	119,881
Other than serious	274	8,916
Total	5,374	132,869

c. **Staffing:** N.C. experienced two retirements during FY 22. Both positions were vacant at the start of FY 23.

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	7.2	0.0	1.6
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
TOTALS	20.1	18.5	0.0	1.6

d. **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

Mandated Activities Report for Consultation (MARC) Performance Measures				
Performance Measure	GOAL	FY 20	FY 21	FY 22
1.) % of Initial Visits in High Hazard Establishments.	90%	100	97.3	98
2.) % of Initial Visits to Small Businesses <250	90%	97.3	96.8	96.7
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	0.09	0
4c.) % of Serious Hazards Referred to Enforcement		0	8	0
4d.) % of Serious Hazards Verified Corrected (In original time or on-site)	65%	98.1	97.1	97.3
5.) Number of Hazards Uncorrected for over 90 Days.	0	0	0	0

Insert Analysis Here: The eight hazards referred to compliance in FY 21 were all from one visit. The measures for FY 22 are fantastic and reflect a highly professional and productive workforce.

e. **Marketing:** North Carolina Consultation Program continues to market its services at association conventions, on the website, with an agency podcast, in agency publications, and through its SHARP success stories submitted to OSHA. 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. As a state plan, the enforcement branch does a great job marketing our consultation program. Targeted mailings are sent to employers in our identified Special Emphasis Programs defined in the strategic plan.

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

Staff Name	Safety and Health Certifications
Fleda Anderson, Supervisor	CIH 11784
Nelson Edwards, Supervisor	CSP 36649
Mark Luniewski, Supervisor	ASP 26976
Kevin O'Barr, Program Manager	CSP 32519
Jiles Manning, Health Consultant	CIH 11033, CSP 37098
Lee McKinney, Health Consultant	CSP 31753, CIH 10460
Buddy Amerson, Safety Consultant	CSP 32310
Twanette Haiser, Health Consultant	CSP 15443
Abigael Newton, Health Consultant	CIH 11381
Bruce Pearson, Safety Consultant	ASP 28671 CSP 34985
Mark Taylor, Health Consultant	CSP 20591, CIH 9830
As of October 1, 2022	

III. Special Accomplishments.

- During FY 22, CSB identified and addressed overexposures to noise and silica.
- In FY 22, the Consultation Program received a stellar Regional Annual Consultation Evaluation Report (RACER). The report did not have any negative findings or observations nor were there any recommendations for improvement.
- There were 105 private sector companies participating in the Safety and Health Achievement Recognition Program (SHARP)
- There were two private sector employers in pre-SHARP. North Carolina employer Boon Edam was awarded SHARP status and was published as a success story on the OSHA website.
- There were six construction SHARP employers.
- There were 49 public sector SHARP employers with two in pre-SHARP.
- Nine North Carolina SHARP participants reached their ten consecutive year milestone during 2022. These companies are offered extra recognition through CSB, supporting the great accomplishment.
- CSB mailed 972 letters to employers with an Experience Modifier Rate (EMR) of 1.5 or higher informing them of their state mandated requirement to implement a safety and health program.
- The CSB has a task/measure called “intervention” that is different from on-site visits and is not counted in the program statistics. During FY 22, 228 interventions were conducted. (209 private sector).
- CSB participated in supporting and teaching the Division’s Construction forum.
- CSB recorded and released a new podcast describing their services for the Inside N.C. Labor podcast. It is published on agency social media.
- One of the CSB supervisory staff completed the Certified Public Manager program.
- In an increased marketing effort, CSB mailed 2,599 letters to manufacturers in the state with less than 250 employees and 2,626 letters to employers on the high hazard NAICS list.
- During FY 22, CSB received 830 requests for service resulting in approximately 1,500 visits for employers across the state eliminating over 6,200 hazards.

- North Carolina organized and hosted the regional on-site consultation meeting for the eight programs in Region IV. The conference had the safety and health director of the Biltmore House as the featured speaker.
- CSB program manager was invited to speak at the Gillings School of Global Public Health to a graduate level course for students focusing on total worker health.

IV. Other Issues or Adjustments. N.C. has no unique obstacles or new issues to report this year. Lack of sufficient federal funding is a common problem not unique to our state. N.C. could match an additional \$500,000 of federal funding and would welcome that increase to our grant.

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 22 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. The instruction for paperless files and paperless file review were updated during the year.