

**STATE OF NORTH CAROLINA**

**STRATEGIC MANAGEMENT PLAN**

**October 1, 2009 – September 30, 2013**



**North Carolina Department of Labor  
Occupational Safety and Health Division**

**October 1, 2009**

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## **Part I**

# **Overview of the State's Occupational Safety and Health Program**

## **A. Introduction**

The purpose of the Occupational Safety and Health Act of North Carolina is Ato assure so far as possible every working man and woman in the State of North Carolina safe and healthful working conditions and to preserve our human resources.” The State=s Five Year Strategic Plan is designed to promote the achievement of this purpose through the specific goals and objectives established by the North Carolina Occupational Safety and Health Division and its employees.

The Division has established two specific outcome goals as part of the Five Year Strategic Management Plan. Goal One is to reduce by the end of FY 2013 the rate of workplace fatalities by five percent. Goal Two is to reduce by the end of FY 2013 the rate of workplace injuries and illnesses by 15%. The basic strategy for reducing the overall injury and illness rate and fatality rate is by designating specific performance goals affecting specific industry groups and workplace health hazards. By concentrating on injuries and illnesses and fatalities in these specific areas, the overall rates should be reduced. In most cases, the established baseline for a specific performance goal is a three-year average injury and illness rate reduction in the Days Away, Restricted or Transferred Rate (DART) for FY 2004-2006. Long Term Care is one of the exceptions, which will use two years of data including FY 2005 and 2006. The FY 2004 rate for Long Term Care was not consistent with rates in other years. The individual performance goal fatality rate reductions will not only count the number of fatalities but will also consider the number of employees working in the industries. The current plan also reflects the introduction of the North American Industry Classification System (NAICS) for designating industry groups.

Seven specific performance goals have been established for the five year strategic planning cycle that runs from October 1, 2008 (FY 2009) to September 30, 2013 (FY 2013). The carry overs from the previous five year plan included emphasis in the construction, logging and arborist, wood products manufacturing, and long term care industries. Exposures for health hazards and a partnership and alliances emphasis are also carry-overs included in the new Strategic Management Plan. Food manufacturing has been added as an industry group. The first year was designated for planning purposes and specific strategies were developed for achieving the goals relating to food manufacturing. These are reflected in the second year document. The wood products manufacturing area does not include furniture manufacturing during the new planning cycle. Also, partnerships and alliances was expanded to address the issue of highway fatalities.

Most of the specific performance goals/areas of emphasis supporting the overall outcome goals of reducing injury and illness and fatality rates include outcome measures. The exception to a performance goal measuring outcome is the health hazards exposures area of emphasis. Exposures to health hazards are not usually reflected in illness rates within a five year time frame. The establishment of outcome goals and measurements is one of the biggest challenges in developing the Five Year Strategic Management Plan. The State is committed to establishing performance goals with measurable outcomes. Improvements continue to be made in this area as reflected in the outcome goal established for the partnership and alliances area of emphasis.

A reduction in state funding may affect the activity level projected in the Strategic Management Plan document. Hopefully, however, it will not have a negative impact on achieving the five-year outcome goals included in the plan.

## Profile of the State Agency

The Personnel Funding Breakout Charts and the Division Organizational Charts included with the Strategic Management Plan/Grant Applications present a profile of the state agency from a personnel perspective.

### State Demographic Profile

Industry	NAICS	Establishments*	Employees*
Construction	23	29,094	224,196
Manufacturing	31-33	10,576	499,853
Wholesale and Retail Trade	42-45	51,900	647,432
Transportation & Warehousing	48-49	6,300	135,202
Finance, Insurance, and Real Estate	51-53	27,364	277,056
Services	54-81	106,137	1,942,742
All Other		<u>25,176</u>	<u>61,230</u>
<b>Total Private Industry</b>		<b>256,547</b>	<b>3,787,711</b>
Public Employees			
State		2,021	186,418
Local		<u>4,389</u>	<u>457,015</u>
<b>Total Public Sector</b>		<b>6,410</b>	<b>643,433</b>
<b>Grand Total</b>		<b>262,957</b>	<b>4,431,144</b>

\*Source: Employment and Wages in North Carolina, Employment Security Commission, North Carolina Department of Commerce, Fourth Quarter 2008.

### Identification of Covered Issues

Coverage – According to North Carolina General Statute (NCGS) 95-128, the Occupational Safety and Health Act of North Carolina (the Act) applies to all employers and employees except:

1. The Federal government, including its departments, agencies and instrumentalities;
2. Employees whose safety and health are subject to protection under the Atomic Energy Act of 1954 as amended;
3. Employees whose safety and health are subject to protection under the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Act, or the Federal Railroad Safety Act of 1970;
4. Railroad employees whose safety and health are subject to protection under the Federal Safety Appliance Act or the Federal Railroad Safety Act of 1970;
5. Employees engaged in all maritime operations;
6. Employees whose employer is within that class and type of employment which does not permit federal funding, on a matching basis, to the State in return of State enforcement of all occupational safety and health issues.

Level of Federal OSHA Enforcement - As described in 29 CFR 1952.155, Federal OSHA exercises authority in North Carolina with regard to the following:

1. Discrimination complaints filed with Federal OSHA;
2. Private sector maritime activity;
3. Indian Reservations;
4. Contractors or subcontractors on any federal establishments where the land has been ceded to the federal government;
5. The Federal government employers and employees;
6. Railroad employment;
7. Enforcement on military bases;
8. U.S. Postal Service; and
9. American Red Cross.

### **Statement of Compliance or Non-Compliance with Appropriations Riders**

North Carolina has adopted CPL 02-00-051, subsequent revisions to Appendix A, and previous Federal OSHA Instructions relating to enforcement exemptions and limitations under the OSHA Appropriations Act. North Carolina General Statute 95-128(6) excludes “those employees whose employer is within that class and type of employment which does not permit federal funding, on a matching basis, to the State in return of State enforcement of all occupational safety and health issues” from coverage under the Occupational Safety and Health Act of North Carolina.

### **B. Mandated Activities**

Activities mandated under the OSH Act that are related to specific outcome goals are included in the strategies section of the goal description. Core elements, listed in the OSH Act and defined at 29 CFR 1902, not specifically addressed within the specific goals of the Strategic Management Plan, will nevertheless be satisfied through adherence to the following guidelines as described also in the North Carolina State Plan.

### **Inspection Authority, Denial of Entry, and Advanced Notice Prohibition**

The Occupational Safety and Health Act of North Carolina (the Act) establishes Occupational Safety and Health Division compliance officers with the authority Ato enter without delay, and at any reasonable time, any...workplace or environment where work is being performed by an employee of an employer; and to inspect and investigate...any such place of employment...@ NCGS 95 -136(a). The North Carolina General Statute also gives the Division the authority and ability to obtain administrative warrants compelling employers to allow compliance officers to enter and inspect their workplaces. The Act specifically prohibits giving advance notice of inspections except in very limited circumstances. Any person who gives advance notice of any

inspection to be conducted under the Act without authority from the Commissioner of Labor, the Director or their agents is guilty of a misdemeanor. NCGS 95-139. The authority to conduct special emphasis inspections, of those establishments with high fatality and injury and illness rates is granted by NCGS 95-136.1. Certain areas for special emphasis inspections are included in the strategic management plan.

### **Trade Secrets**

North Carolina General Statute 95-152 requires all information reported to or otherwise obtained by the Division during an inspection that contains or might reveal a trade secret be considered confidential.

### **First Instance Sanctions Against Employers Who Violate the Act, Including Citations**

The Act provides that citations initially serve as proposed sanctions against a cited employer. NCGS 95-137(b)(1). The compliance intervention element of certain Strategic Management Plan Outcome Goals could result in first instance sanctions against employers violating the Act.

### **Ensuring Abatement of Potentially Harmful or Fatal Conditions**

Each citation issued by the Occupational Safety and Health Division includes a reasonable date in which the employer is required to abate the violation. NCGS 95-137(a). As required by 29 CFR 1903.19 and the Compliance Operations Manual, the employer must notify the Division that abatement has been accomplished through the submittal of the OSHA 2D form, unless the item has been contested. A number of follow-up inspections are also scheduled to determine that previously cited violations have been corrected.

### **Prompt and Effective Standards Setting**

NCGS 95-131(a) of the Act requires that All occupational safety and health standards promulgated under the Federal Act by the Secretary, and any modifications, revisions, amendments or revocations.... shall be adopted as the rules of the Commissioner of this State unless the Commissioner decides to adopt an alternative State rule as effective as the federal requirement...”. The adoption process begins when the State reviews a federal standard and decides that it provides adequate protection for North Carolina workers. The process for State adoption of identical federal standards is streamlined, and requires only the filing of proper documents. Outside review or hearings are not required for verbatim adoption of a Federal standard. The Act also provides the Commissioner of Labor the means and authority to promulgate standards, in addition to adopting Federal standards under NCGS 95- 131. Division intervention related to the Strategic Management Plan may result in recommendations prompting standard development.

### **Allocation of Sufficient Resources**

The Act provides adequate assurance that the Occupational Safety and Health Division continues to receive adequate funding. NCGS 95-150 requires “the Commissioner shall submit to the

General Assembly a budget and request for appropriations to adequately administer this Article which shall be sufficient to give satisfactory assurance that this State will devote adequate funds to the administration and enforcement of the standards herein provided and the proper administration of this Article as required by federal standards.” The State has also worked with OSHSPA to secure additional federal funds.

### **Counteraction of Imminent Dangers**

If the Division learns of an employment condition, “which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated,” NCGS 95-140 provides that the Division may seek a court order (injunction or temporary restraining order) prohibiting persons from working in proximity to the hazard until the hazard is eliminated. Prior to the initiation of any legal action, the Compliance Field Operations Manual and 29CFR 1903.13 state that it is the duty of the CSHO at the site of the imminent danger situation to notify the employer and employees of the danger, and for the employer to remove the employees from the area of imminent danger. The employer is also encouraged to do whatever is possible to eliminate the danger.

### **Responses to Complaints**

The Division investigates employee complaints of unsafe and/or unhealthful working conditions. NCGS 95-136 requires that the complaint “shall be reduced to writing, shall set forth with reasonable particularity the grounds for the complaint, and shall be signed...”. Responding to employee complaints in a timely manner is a core value of the Division. The achievement of certain outcome goals may be initiated through response and/or hazard abatement resulting from an employee complaint.

### **Fatality/Catastrophe Investigations**

The Division investigates all occupational accidents involving a work-related fatality or the hospitalization of three or more employees. Employers are required to inform the Division of all such accidents within eight hours, as required by 29 CFR 1904.8.

### **Review Procedures**

The Act establishes the N. C. Occupational Safety and Health Review Commission under NCGS 95-135. The Commission reviews and decides issues brought forward by an employer relating to citations, abatement periods, and all types of penalties resulting from an inspection. Employees have a right to object to an established abatement time and to request party status.

### **Ensuring Employees Protection Against Discrimination**

NCGS 95-151, The North Carolina Retaliatory Employment Discrimination Act, prohibits discrimination against any employee who has exercised any right or responsibility provided under the Occupational Safety and Health Act of North Carolina.

## **Other Employee Rights**

As provided for in the Act and 29 CFR 1903, employees are assured of specific rights. These include the right to accompany the compliance officer during the physical workplace inspection, participate in standard development and variance hearings, contest abatement dates, request an inspection, and obtain review of a determination that an inspection not be conducted in response to an employee complaint. In addition to various employee educational programs sponsored by the Division, employees are informed of their rights through the “North Carolina Workplace Laws Notice to Employees@ poster provided by the Division. Employers are required to display this poster in their workplace.

## **Employee Access to Safety and Health Information**

The Division provides employees with safety and health information during intervention efforts including training, education, and consultation, and through publications prepared and distributed. Standards relating to employee access to hazard alert information, such as the Hazard Communication Standard, are also enforced by the Division. This includes employees with limited English proficiency where specific initiatives have been introduced to provide information for Spanish speaking employees.

## **OSHA Coverage of Public Employees**

The North Carolina Act grants public sector employees the same rights, responsibilities and coverage as the private sector. Strategic outcome goals established by the Division include coverage for public sector employees.

## **Recordkeeping and Reporting**

The State has adopted 29 CFR 1904, and NCGS 95-145 of the state Act which requires the Commissioner to ensure that employers in the State prepare and maintain detailed employment records. The collection and analysis of injury and illness data are essential in determining how well the State has performed compared to established goals.

## **Voluntary Compliance Activities**

NCGS 95-126(2) of the State Act includes provisions for encouraging employers to reduce the number of occupational safety and health hazards through a number of voluntary compliance activities. Education, training, and consultative activities are provided to encourage voluntary compliance among employers. Specific strategic objectives included in this Strategic Management Plan have been implemented to encourage voluntary compliance.

## Part I: Program Activity Projections / FY 2010

	Actual FY 2008		Estimated FY 2009		Projected FY 2010	
	Safety	Health	Safety	Health	Safety	Health
Private Sector Inspections	3179	1525	3330	1620	2999	1468
Public Sector Inspections	139	57	138	62	124	56
Public Sector Consultation Visits	122	69	108	96	120	80
Private Sector Consultation Visits, if applicable	774	384	619	304	500	300

	Actual FY 2008		Estimated FY 2009		Projected FY 2010	
	New	Total	New	Total	New	Total
Star Program Participants – General Industry	11	25	14	28	14	28
Star Program Participants – Construction	3	7	3	7	3	6
Star Program Participants – Public Sector	3	5	3	6	3	6
Cooperative Programs * (Partnerships & Alliances)	4	13	5	15	2	15
SHARP Participants	14	21	16	38	10	30
Outreach Participants ** (Persons Trained)		17,247		7,800		8,000

## **Part II**

### **OSHNC Goals and Strategies**

**Figure 1**  
**OSHNC**  
**5-Year**  
**Outcome**  
**Goals**

<i>OSHNC Outcome Goal #1</i>	By the end of FY 2013, reduce the rate of workplace fatalities by 5%
<i>OSHNC Outcome Goal #2</i>	By the end of FY 2013, reduce the rate of workplace injuries and illnesses by 15%

**Figure 2**  
**Fatality Areas of Emphasis for FY 2010**

<i>Areas of Emphasis</i>	<i>Reduction in Fatality Rates</i>
Total Reduction in Fatalities	1%
1. Construction Industry	1%
2. Logging and Arborist	1%

**Figure 3**  
**Injury and Illness Areas of Emphasis for FY 2010**

<i>Areas of Emphasis</i>	<i>Reduction in Injury/Illness/DART Rates</i>
Total Reduction in Injury and Illness	3%
1. Industries with high injury and illness rate: <ul style="list-style-type: none"> <li>a. Sawmills, Veneer, Manufactured Home (Mobile Home) and Other Wood Products Manufacturing</li> <li>b. Long-Term Care</li> <li>c. Food Manufacturing</li> </ul>	3%
2. Health Hazards <ul style="list-style-type: none"> <li>a. Lead</li> <li>b. Silica</li> <li>c. Asbestos</li> <li>d. Hexavalent Chromium</li> <li>e. Isocyanates</li> </ul>	N/A
3. Partnerships and Alliances	3%

*Areas of Emphasis Activity Summary*

<i>Areas of Emphasis Activity Summary</i>	<i>FY 2010 Annual</i>	
	Compliance	Consultation
Number of worksites inspected or surveyed:		
1.1 Construction	1,320	150
1.2 Logging and Arborist	75	15
2.1 Sawmills, Veneer, Manufactured Home (Mobile Home) and Other Wood Products Manufacturing	100	50
2.2 Long-Term Care	60	20
2.3 Health Hazards	200	75
2.4 Food Manufacturing	60	10
Total for emphasis areas:	1815	320

<b>1.1 Area of Emphasis</b>	<b>Construction Industry Fatality Reduction</b>
1.1 OSHNC 5-Year Outcome Goal	Reduce construction industry fatality incidence rate statewide by 5% by the end of FY 2013.
1.1 OSHNC Annual Outcome Goal	FY 2010 – Reduce fatality incidence rate 1% statewide in Construction
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance; Planning, Statistics and Information Management; Director's Office
Indicator	<p>Fatality Incidence Rate for Construction activity calculated as follows:</p> <p><u>Fatality total for Construction activity in Wake County x 200,000</u> No. of employees (statewide) in Construction x 2,000</p> <p><u>Fatality total for Construction activity in Mecklenburg County x 200,000</u> No. of employees (statewide) in Construction x 2,000</p> <p><u>Fatality total for Construction activity in Dare County x 200,000</u> No. of employees (statewide) in Construction x 2,000</p> <p><u>Fatality total for Construction activity in Iredell County x 200,000</u> No. of employees (statewide) in Construction x 2,000</p> <p><u>Fatality total for Construction activity in Forsyth County x 200,000</u> No. of employees (statewide) in Construction x 2,000</p> <p><u>Fatality total for Construction activity in Durham County x 200,000</u> No. of employees (statewide) in Construction x 2,000</p> <p><u>Fatality total statewide for Construction activity in x 200,000</u> No. of employees (statewide) in Construction x 2,000</p>
Baseline	<p>Baseline years = Average for FY 2005, FY 2006, and FY 2007.</p> <p>The average number of fatalities by county for Construction activity occurring between Oct. 1, 2004 and Sept. 30, 2007 is as follows: Statewide = 24.6, Dare = 0.33, Durham = 1.66, Forsyth = 1.0, Iredell = 0.66, Mecklenburg = 2.66, Wake = 2.66.</p>

	<p>The baseline employment for Dare, Durham, Forsyth, Iredell, Mecklenburg, and Wake Counties is the statewide average of the 3 years beginning 2005, 2006, and 2007.</p> <p>The data was obtained from the Employment Security Commission, Insured Employment and Wages in North Carolina, 2-Digit NAICS Code Summary Statewide.</p> <p>The Baseline Fatality Incidence Rates statewide and for the selected counties experiencing multiple fatalities for Construction activities have been calculated as follows:</p> <p><u>Fatality total for Construction activity statewide</u> – <math>24.6 \times 200,000</math>      No. of employees statewide in Construction – <math>241,400 \times 2,000 = .01020</math></p> <p><u>Fatality total for Construction activity in Dare County</u> - <math>0.33 \times 200,000</math>      No. of employees (statewide) in Construction <math>241,400 \times 2,000 = .00013</math></p> <p><u>Fatality total for Construction activity in Durham County</u> - <math>1.66 \times 200,000</math>      No. of employees (statewide) in Construction <math>241,400 \times 2,000 = .00069</math></p> <p><u>Fatality total for Construction activity in Forsyth County</u> - <math>1.0 \times 200,000</math>      No. of employees (statewide) in Construction <math>241,400 \times 2,000 = .00041</math></p> <p><u>Fatality total for Construction activity in Iredell County</u> – <math>0.66 \times 200,000</math>      No. of employees (statewide) in Construction <math>241,400 \times 2,000 = .00027</math></p> <p><u>Fatality total for Construction activity in Mecklenburg County</u> - <math>2.66 \times 200,000</math>      No. of employees (statewide) in Construction <math>241,400 \times 2,000 = .00111</math></p> <p><u>Fatality total for Construction activity in Wake County</u> - <math>2.66 \times 200,000</math>      No. of employees (statewide) in Construction <math>241,400 \times 2,000 = .00111</math></p>
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### Monthly Measures

Construction fatalities inspected statewide (OFIR Report)

Construction inspections in affected counties

Construction inspections in “High Activity Counties” (HAC)\*

Fatalities in affected counties

Fatality rate statewide

Fatality rate in Wake County

Fatality rate in Mecklenburg County

Fatality rate in Dare County

Fatality rate in Forsyth County

Fatality rate in Iredell County

Fatality rate in Durham County

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Consultative visits in construction trades in affected counties  
Consultative visits in construction trades in “High Activity Counties” (HAC)\*  
Construction 10-hour training events where requested  
Construction 30-hour training events where requested

\*HAC – High Activity County that has experienced at least 1,000 or more residential building units during the most recent calendar year. (Source: U.S. Census Bureau). The HAC counties are: Brunswick, Buncombe, Cabarrus, Cumberland, Guilford, Johnston, New Hanover, Onslow, and Pitt.

#### Annual Measure

Annually review U.S. Census Bureau residential building permit data for counties with 1,000 or more units of construction.

### STRATEGIES TO ACHIEVE GOAL

#### CONSTRUCTION SEP COMMITTEE

- Establish and maintain strong working relationships with industries, associations, groups, and key individuals.
- Review and update construction-related OPNs (i.e.; 96, 109 121, 123, 129) as needed to ensure effectiveness and accuracy with OSH procedures.
- Work cohesively with current alliances (i.e.; CRSMCA) in outreach and training events and in the review and development of educational materials geared toward injury and illness prevention. The committee will oversee the alliances and ensure that all agreement goals and objectives are being met.
- Meet at least quarterly to review the status of the Strategic Plan goals and work with the various bureau management personnel to ensure that the goals are being met.
- Oversee the Construction Safety School Sub-Committee:
  - The Construction Safety School Sub-Committee will oversee the initial development and presentation of each construction module for the OSH Construction Safety School (OCSS).
  - Once the initial presentation for a module has been completed, the Sub-Committee will transfer responsibility for scheduling the module to ETTA.

#### ETTA

- Conduct at least one 10-hour construction course to serve several SEP counties in a single location.
- Conduct two 30-hour construction courses per year.
- Ensure all 10-hour construction courses include information on the emphasis program.
- Review and update PowerPoint programs that identify the top ten serious construction citations in the past year.
- Give priority to construction emphasis-related outreach training when requested.
- Emphasize the “Big Four” causes of accidents and injuries during outreach activities.
- Participate in/conduct events that result in the training of construction employers and

employees as requested.

- Support efforts in conducting annual construction outreach activities.
- Develop and distribute outreach related materials as necessary for construction companies cited for 10 or more serious violations. This information will be provided by PSIM every January.
- Utilize “Labor One” for on-site training as requested.
- NCDOL offices and company facilities will be utilized to conduct Hispanic outreach safety training.
- Continue to develop and make available Spanish language publications and training materials.
- Update the top ten annually and have it available in brochure form and posted on the web site for use no later than March 1.
- Promote the Construction MESH certificate during outreach activities, training events, and through our MESH Alliances (Safety & Health Council and NCSU Industrial Extension Services).
- Special emphasis will be placed on hazards associated with cranes used within the construction industry during internal training as well as outreach activities; external training, outreach events and publications.
- Schedule OSH Construction Safety School modules annually or on an as requested basis by compliance and consultation bureau chiefs (once module is transferred from the Construction Safety School Sub-Committee).

## CONSULTATIVE SERVICES

- Promote consultative activities related to construction in targeted counties.
- Conduct consultative blitzes in counties targeted by the special emphasis program.
- Promote Recognition Programs such as Building/Sub-Contractor Star for construction employers.
- Support efforts in conducting annual construction outreach activities and partnerships.
- Consultants will address hazards associated with crane operations and set-ups on construction sites.

## COMPLIANCE

- Support efforts in conducting annual construction outreach activities.
- Devote multiple district resources to inspect construction activity throughout the state with emphasis in the targeted counties.
- Implement construction inspection emphasis program for select counties experiencing multiple fatalities.
- Research fatality statistics quarterly to see if this emphasis program should be expanded to additional counties.
- Use Informal Settlement Agreements to require employers to attend construction training and education courses.
- Promote Building/Sub-Contractor Star for companies meeting qualifications or that could meet qualifications with assistance.

- Utilize construction inspection guidelines (OPN 96, OPN 123, OPN 109) in order for reference materials to be readily available to compliance staff.
- Initiate and develop an inspection process for all cranes working on construction sites within SEP and Non-SEP counties.

## PSIM

- Utilize fatality reinspection assignment list to record improvement in the employer's incidence rate from the time of the fatality to the time of the reinspection.
- Annually research construction companies with 10 or more serious violations and provide mailing list to ETTA to mail them information about OSHNC outreach services.
- Annually review U.S. Census Bureau residential building permit data for counties with 1,000 or more units of construction as requested.
- Track for individual counties and providing information to Team Leaders/Supervisors.
- Support efforts in conducting annual construction outreach activities.
- Utilize the FAA website to provide notification of crane activities to Bureau Chiefs.

## DIRECTOR'S OFFICE

- Promote NCDOL construction outreach through participation in industry groups.
- Ensure resources are provided to support bureau tasks.
- Coordinate and communicate efforts with Federal OSHA to identify innovative approaches.
- Promote development and implementation of NCDOL construction industry resource webpage.
- Support efforts in conducting annual construction outreach activities.
- Promote and support an initiative for education, training, consultation, and compliance activities for the reduction of hazards associated with cranes in the construction industry.

<b>1.2 Area of Emphasis</b>	<b>Logging and Arborist Fatality Reduction</b>
1.2 OSHNC 5-Year Outcome Goal	Decrease fatality rate in NAICS 56173 and NAICS 11331 by 5% by the end of FY 2013. These activities include employers and employees primarily engaged in Logging and Arborist related activities.
1.2 OSHNC Annual Outcome Goal	FY 2010 – Reduce the fatality rate by 1% in NAICS 56173 and 11331.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance; Planning, Statistics and Information Management; Director's Office
Indicator	<p>Fatality Incidence Rate =</p> $\frac{(\text{Total No. Of Fatalities in 56173 + 11331}) \times 200,000}{(\text{No. Of Employees in 56173+11331}) \times 2,000}$
Source of Data	<p>The combined total number of occupational related fatalities investigated in NC in NAICS 56173 and 11331 obtained from OFIR for the federal fiscal year.</p> <p>The North Carolina Occupational Fatality Investigation Review Report (OFIR) is used to identify the number of qualifying occupational fatalities for this indicator.</p> <p>The number of employees for the Federal Fiscal Year is the average of the four quarters between Oct. 1, and Sept. 30 for NAICS 56173 and 11331.</p> <p>The data are obtained from the Employment Security Commission, Insured Employment and Wages in North Carolina, 6-Digit NAICS Code Summary Statewide.</p> <p>For each NAICS, the employment level for these four quarters is totaled with this total divided by 4 to get an average for the federal fiscal year.</p>
Baseline	The <u>average fatality incidence rate for FY 2005-2007</u> in the logging and arborist industry was calculated by averaging the actual fatality incidence rates for these three years, as presented in the Performance Plan reports for these years:

	2005=0.02204; 2006=0.01668; 2007=0.01192  Average fatality incidence rate = $(0.02204 + 0.01668 + 0.01192) / 3 = 0.01688$
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### Monthly Measures

Related compliance inspections

Related fatalities

Fatality Rate

Consultative visits

OSHNC personnel trained annually

Related training events

### STRATEGIES TO ACHIEVE GOAL

The Division continues a multi-disciplinary approach using resources from compliance, consultation, and ETTA staff. Stakeholders such as the NC Forestry Association, Forestry Mutual Insurance Company, N.C. Association of Professional Loggers and logging equipment manufacturers are supporting:

- Increasing employer and employee awareness of regulatory requirements and safety and health work practices.
- Changing employer's and employee's behavior to improve job safety and health through education, consultation, and compliance.
- Emphasizing recognition of meaningful safety and health programs and significant reduction of injuries, illnesses, and fatalities.

### LOGGING AND ARBORY COMMITTEE

- Establish and maintain strong working relationships with industries, associations, groups, and key individuals.
- Review and update OPN 88 as needed to ensure effectiveness and accuracy with our procedures.
- Work cohesively with current alliances (NCFA, FMIC, NCAPL) in the review and development of educational materials geared toward injury and illness prevention such as the logging and arbory safety checklist books.
- Work closely with current alliances in scheduling and conducting joint outreach and training events structured toward reducing injuries and illnesses in the logging and arbory industry.
- The committee will oversee the alliances and ensure that all agreement goals and objectives are being met.
- Meet at least quarterly to review the status of the Strategic Plan goals and work with the various bureau management personnel to ensure that the goals are being met.
- Review logging safety checklist book annually and update as needed to ensure accuracy and effectiveness in material. Involve alliances in the review.

- Review arborist safety checklist book annually and update as needed to ensure accuracy and effectiveness in material. Involve ISA in the review.

## ETTA

- Utilize sources of information (OFIR, NC inspection data, etc.) to identify changes and trends in causes of fatalities in identified groups (loggers and arborists) to focus training events and outreach materials to specific problem areas such as tree felling.
- Support alliance training events statewide for those engaged in arborist and logging activities.
- Provide technical assistance by phone on standard interpretations and answer questions relevant to logging, tree felling and arborist activities.
- Provide logging and arbory training to OSH Division personnel when requested by their bureau.
- Provide special emphasis on hazards associated with cranes and combustible dust within the logging industry during internal training and outreach activities.
- Review logging and arborist safety checklist books respectively for accuracy with current regulations after review completed by SEP committee. Once completed, oversee the printing and publication of safety checklist books.

## CONSULTATIVE SERVICES

- Conduct onsite technical assistance visits to improve safety and health programs.
- Provide support to assist in conducting training activities in NAICS 56173 and 11331.
- Consultants will participate in external events. (Logging Demo Day, etc.)

## COMPLIANCE

- Conduct inspections in appropriate NAICS.
- Provide training assistance as necessary to employers, not to exceed 40 hours.
- Provide support in training efforts (internal and external), not to exceed 50 hours.
- Provide staff support at logging, tree felling and arborist events, not to exceed 75 hours.

## PSIM

- Provide available data in NAICS 56173 and 11331.
- Utilize the FAA website to provide notification of crane activities to Bureau Chiefs.

## DIRECTOR'S OFFICE

- Provide resources and support to accomplish above tasks.
- Attend and participate in above activities to improve visibility and stimulate participation.

<b>2.1 Area of Emphasis</b>	<b>Sawmills, Veneer, Manufactured Home (Mobile Home) and Other Wood Products Manufacturing</b>
2.1 OSHNC 5-Year Outcome Goal	Reduce the injury and illness (DART) rate in establishments in three-digit NAICS 321 in support of the overall outcome goal of reducing the rate of workplace injuries and illnesses by 15% by the end of FY 2013.
2.1 OSHNC Annual Outcome Goal	FY – 2010 Reduce the rate of workplace injuries and illnesses by 3%.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance; Planning, Statistics and Information Management; Director's Office
Indicator	Percent change in DART rate in North Carolina for these high incident industries.
Source of Data	USDOL/BLS published DART rates in North Carolina establishments in NAICS 321.
Baseline	DART Rate Average for 2004 - 2006 (DART 3.3)

### Monthly Measures

Related compliance inspections  
 Related compliance interventions

Consultative visits

Related training events

### STRATEGIES TO ACHIEVE GOAL

Utilize a multidisciplinary approach involving consultation, training, and compliance to achieve a reduction in DART rates in NAICS 321 establishments. Initial intervention with stakeholders should reflect the North Carolina approach of expanding outreach to include education, training, and consultation. This will be accompanied by targeted compliance activity.

## SAWMILLS, VENEER, MANUFACTURED HOME (MOBILE HOME) AND OTHER WOOD PRODUCTS MANUFACTURING COMMITTEE

- Establish and maintain strong working relationships with industries, associations, groups, and key individuals.
- Pursue an alliance and/or partnership within the affected high rate industry trade groups.
- If an alliance is established, the committee will ensure that all agreement goals and objectives are being met.
- The committee will be responsible for reviewing and updating APN 133 at least annually to ensure effectiveness and accuracy with our procedures.
- The committee will meet at least quarterly to review the status of the Strategic Plan goals and work with the various bureau management personnel to ensure that the goals are being met.

### ETTA

- Utilize sources of information (OFIR, NC inspection data, etc.) to identify changes and trends in causes of fatalities in identified groups to focus training programs and outreach materials to specific problem areas (i.e.; quick cards, hazard alerts).
- Support training and outreach events statewide for those engaged in sawmills, veneer, manufactured home and other wood products activities.
- Provide technical assistance by phone on standard interpretations and answer questions relevant to sawmills, veneer, manufactured home and other wood products activities.
- Provide training specific to this industry group to OSH Division personnel when requested by their bureau.
- Ensure industry guides related to the wood products industry (i.e.; A guide to Ergonomics, A Guide to Occupational Exposure to Wood and Wood Dust) are current and available for distribution upon request.

### CONSULTATIVE SERVICES

- Conduct onsite technical assistance visits to improve safety and health programs.
- Continue to promote consultative activities related to this SEP. These promotions should include training activities, mailers, and telephone/site visits to solicit business.
- Promote Recognition Programs such as SHARP, Carolina Star and Rising Star in the industries affected by this SEP.
- Support training and education activities in these industries.

### COMPLIANCE

- Operations Procedure Notice (OPN) 133 and a portion of the Field Operations Manual (FOM) Chapter 2 will maintain an outline of compliance inspection targeting, inspection scope and guidance for compliance officers.
- Devote multiple district resources to inspect targeted sites throughout the state with emphasis on industries/employers with higher injury/illness rates in the NAICS 321 industry groups.
- Use Informal Settlement Agreements to improve employer safety programs and require employers to attend training and education courses.
- Support training and education activities in these industries.

## PSIM

- Evaluate, document, and implement recommendations for targeting criteria in the FOM.
- Identify employers with multiple OSHNC inspection violation history and provide information to SEP committee to evaluate the need for further outreach services provided by Consultative Services Bureau and ETTA Bureau.
- Annually monitor, evaluate and utilize available injury illness data for inspection and outreach targeting purposes.

## DIRECTOR'S OFFICE

- Promote NCDOL outreach through participation in industry groups.
- Ensure resources are provided to support bureau tasks.
- Coordinate and communicate efforts with Federal OSHA to identify innovative approaches.

<b>2.2 Area of Emphasis</b>	<b>Long Term Care Injury Reduction</b>
2.2 OSHNC 5-Year Outcome Goal	Reduce the Days Away, Restricted, or Transferred (DART) rate in Long Term Care (LTC) Facilities in support of the overall outcome goal of reducing the rate of workplace injuries and illnesses by 15% by the end of FY 2013.
2.2 OSHNC Annual Outcome Goal	The FY 2010 goal is a 3% reduction of the most recent BLS DART rate for NAICS 623XXX through education, training, compliance inspections and consultative visits.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance; Planning, Statistics and Information Management; Director's Office
Indicator	Percent change in North Carolina's DART rate in LTC Facilities.
Source of Data	Long Term Care: Released BLS Survey Data for North Carolina for the most current year for NAICS 623XXX, LTC Facilities.
Baseline	The baseline is the average of 2005 and 2006 DART rates from the BLS Survey for North Carolina for NAICS 623XXX, which is 4.8.

### Monthly Measures

Inspections in LTC Facilities  
 Consultative visits in LTC Facilities  
 Related training events

### STRATEGIES TO ACHIEVE GOAL

#### LONG TERM CARE COMMITTEE

- Explore alliance opportunities with the Long Term Care sector.
- Once an alliance is established, the committee will be responsible for ensuring that all agreement goals and objectives are being met. The committee will make recommendations to the OSH Director for termination and/or modification to the agreement if the agreement is no longer functional and/or active.

## ETTA

- Schedule and conduct two outreach events, which may consist of any duration (thirty minutes or more), in relevant LTC topics (i.e. blood borne pathogens, ergonomics, back safety, slips/trips/falls, TB, etc.) where LTC owners, LTC management staff, and/or LTC employees are in attendance.
- Outreach to establishments in NAICS 623XXX will consist of instructional material and advertisement of educational opportunities from NCDOL.
- Conduct LTC training to internal OSH personnel upon request by Compliance and Consultation Bureau Chiefs.

## CONSULTATIVE SERVICES

- Conduct safety and health visits of establishments in NAICS 623XXX, as requested.
- Provide support, as requested in Long-Term Care, at employer's sites that meet size requirements.
- Utilize ergonomics guidelines and OPN 132 when conducting consultative visits in the LTC industry.
- Promote consultative activities related to this SEP. These promotions may include mailers, letters, training activities, and telephone/site visits to increase awareness.

## COMPLIANCE

- Conduct inspections assigned by the district supervisor of the LTC establishments in the NAICS 623XXX as identified on specific assignments (e.g. SST, programmed planned, complaint).
- Utilize the OPN 132, FOM, and ergonomic form letters when conducting compliance inspections in the LTC industry.

## PSIM

- Notify Team Leader of most current BLS injury/illness data – DART rates for NAICS 623XXX .

<b>2.3 Area of Emphasis</b>	<b>Exposures for Health Hazards</b>
2.3 OSHNC 5-Year Outcome Goal	Conduct emphasis inspections, training, and consultation activity in establishments where employees might be exposed to health hazards such as lead, silica, asbestos, hexavalent chromium, and isocyanates in support of the overall outcome goal of reducing the rate of workplace injuries and illnesses.
2.3 OSHNC Annual Outcome Goal	FY 2010 - Conduct emphasis inspections, training, and consultation activity in establishments where employees might be exposed to health hazards such as lead, silica, asbestos, hexavalent chromium, and isocyanates.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance; Planning, Statistics and Information Management; Director's Office
Indicator	Track related health hazards program improvements, worksites visited, 10-hour courses conducted, and related training events.
Source of Data	Consultation visits and Compliance inspection database.
Baseline	Not applicable.

#### Monthly Measures

Health hazards emphasis inspections

Number of health hazards-related program improvements

Consultative visits where exposure is documented for lead, silica, asbestos, hexavalent chromium, and isocyanates

Average exposure severity level (of employer averages)

Related training events

## **STRATEGIES TO ACHIEVE GOALS**

### **HEALTH HAZARDS SEP COMMITTEE**

- Discuss updating the Memorandum of Understanding (MOU) concerning asbestos related issues with the Department of Health and Human Services (DHHS).
- Prepare and distribute a monthly summary of the report activities in the Health Hazards SEP to Bureau Supervisors.
- Meet quarterly to discuss progress toward the Health Hazards SEP goals, discuss new findings and information that impacts the Health Hazards SEP.
- Evaluate and revise information and procedures in the FOM, OPNs, and other department reference materials as necessary.

### **ETTA**

- Include health hazards training in all General Industry and Construction 10-hour courses sponsored by ETTA.
- Provide external presentations on health hazards as requested.
- Develop training and informational material as requested by Health Hazards SEP Team.
- Train OSH Division staff members conducting consultative visits and compliance inspections on the Health Hazards SEP, associated OPN, and the chemicals identified in the Health Hazards SEP.

### **CONSULTATIVE SERVICES**

- Conduct health visits to establishments that request a survey and have exposures to health hazards.
- Provide support on chemicals identified in the Health Hazards SEP where requested by employers and the sites meet size requirements.

### **COMPLIANCE**

- Conduct at least 200 inspections of establishments targeted for exposures to health hazards, which will include referrals for asbestos abatement projects and quarterly reports from NCDHHS with elevated blood levels.
- Research and review other site specific data sources that could be used to identify employers having or potentially having health hazard exposures.

### **PSIM**

- Assist in health hazards targeting schedule by using existing databases to pull general industry and/or construction assignments at the request of Compliance or other data for Consultative Services.

<b>2.4 Area of Emphasis</b>	<b>Food Manufacturing</b>
2.4 OSHNC 5-Year Outcome Goal	Reduce the injury and illness rate (DART) in Food Manufacturing establishments (3-digit NAICS 311) by 12% by the end of FY 2013.
2.4 OSHNC Annual Outcome Goal	FY 2010 – Reduce by 3% the BLS DART rate for NAICS 311.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance; Planning, Statistics and Information Management; Director's Office
Indicator	Percent change in the most recent combined BLS DART rate for NAICS 311 – Food Manufacturing in North Carolina.
Source of Data	BLS Survey Data for the most current year for NAICS 311 establishments in North Carolina.
Baseline	The 3-year average DART rate for NAICS 311 establishments in North Carolina based on BLS Survey Data for 2005, 2006, and 2007, which is 4.3.

### Monthly Measures

Related compliance inspections

Related consultative visits

Related training events

### STRATEGIES TO ACHIEVE GOALS

#### FOOD MANUFACTURING SEP COMMITTEE

- Meet quarterly to monitor and summarize the activities reported by the four affected OSH bureaus.
- The SEP Committee Chair will prepare and distribute to bureau supervisors a summary of the reported activities and any information gathered regarding injury/illness trends in NAICS 311 industries or identified hazards within NAICS 311 industries.

- Participate in interventions/contacts with NAICS 311 trade associations or employers where their presence is deemed to be helpful.
- Evaluate information and procedures in the FOM, OPNs, and other department reference materials and make recommendations and revisions to these documents as it relates to food manufacturing.
- Compile and review OSHA 300 log data for NAICS 311 establishments in North Carolina collected through Consultative Services visits and Compliance inspections.
- Develop a specific Operational Procedure Notice (OPN) that describes policies and procedures relating to the food manufacturing SEP.
- Develop a process safety management (PSM) pre-screen form to be used by the CSHO at food processing sites to determine if the sites need to develop a PSM program.
- Establish and maintain strong working relationships with industries, associations, groups, and key individuals. Pursue an alliance within the affected high-rate industry trade groups.
- Ensure that all agreement goals and objectives are being met if an alliance is established.

## ETTA

- Schedule recordkeeping and ergonomics webinars for employers in NAICS 311.
- Develop a “training available” quick card that will be distributed by CSHO’s to food manufacturing employers.
- Update PSM PowerPoints to include a food manufacturing emphasis.
- Support training events statewide for those engaged in food manufacturing activities.
- Provide technical assistance by phone on standard interpretations and answer questions relevant to food manufacturing activities.
- Provide training on an as needed basis to OSH Division personnel identified by their bureau.
- Place special emphasis on hazards associated with the food manufacturing industry during internal training and outreach activities.
- Develop and distribute outreach material and publications (i.e., hazard alerts, industry guides, and quick cards, brochures) in NAICS 311 directed toward injury/illness prevention.

## CONSULTATIVE SERVICES

- Conduct promotional activities in NAICS 311 industries through direct contact with food manufacturing employers.
- Conduct onsite technical assistance visits to improve safety and health programs.
- Collect and forward data to the SEP Committee Chair for analysis regarding industry workplaces that have been visited, the hazards identified in these workplaces, and injury/illness data for these establishments.

## COMPLIANCE

- Inspect all assignments on the Site Specific Targeting (SST) and General Industry Targeting Schedules in NAICS 311.
- Utilize applicable sections of the FOM including inspections of records and ergonomics inspection procedures and the SEP specific OPN.

- Review employee exposure and medical records and compare information with injury and illness entries on the OSHA 300 log in order to determine compliance with recordkeeping requirements.
- Interview the OSHA 300 log record keeper to determine if they have knowledge necessary to accurately maintain the recordkeeping log.
- Interview employees to help confirm accuracy of OSHA 300 log entries.
- Utilize FOM Chapter XVII, Ergonomics Inspection Procedures, to determine the appropriate response to workplaces where ergo hazards may exist.
- Determine on all food manufacturing inspections whether the establishment is covered by the Process Safety Management (PSM) Standard.
- Include a training component in settlement agreements relating to hazards identified during inspections of food manufacturing employers.
- Encourage the employer to apply conditions documented in the settlement agreement to all employer sites. Any settlement agreement shall include a list of all sites controlled by the inspected employer. The list should be forwarded to PSIM.
- Confer with the Bureau Chief when an inspection results in three or more serious violations to determine if other sites owned or controlled by the employer that are included on the targeting schedules should be immediately inspected.
- Distribute “training available” quick cards to food manufacturing employers.
- Develop and implement a process to provide the SEP Committee Chair with the following information regarding NAICS 311 workplaces that have been inspected: the hazards identified and citations issued; the injury/illness data collected for these establishments during the inspection process.

## PSIM

- Evaluate, document, and implement recommendations for targeting criteria within NAICS 311.
- Color-code all NAICS 311 safety and health General Industry Schedule assignments to help ensure these sites are inspected.
- Update by current FY and distribute quarterly to the SEP Committee Chair the summary report of compliance inspection activity within NAICS 311.
- Review targeting schedules on a quarterly basis to determine if assignments are being inspected as planned and notify supervisors of establishments remaining on the targeting schedules.

## DIRECTOR'S OFFICE

- Educate the public, media, public interest groups, legislature, and federal OSHA on resources committed to the food manufacturing industry through compliance, consultation, and training activities and the effect these activities have had on improving the safety and health in food manufacturing establishments.
- Participate in efforts to establish alliances with food manufacturing trade associations.
- Send letter to employers in NAICS 311 explaining the SEP and indicating the type of hazards found during industry SEP inspections.

<b>2.5 Area of Emphasis</b>	<b>Develop/Sustain Partnerships and Alliances Supporting OSHNC Mission</b>
2.5 OSHNC 5-Year Outcome Goal	By the end of FY 2013, reduce the workplace injuries and illnesses (DART) rate in support of the overall outcome goal of reducing the rate of workplace injuries and illnesses by 15%.
2.5 OSHNC Annual Outcome Goal	Ensure each existing partnership maintains a DART rate 20% or more below the national average for their NAICS and all their participating subcontractors maintain a DART rate 10% or more below the national average for their NAICS during the duration of the partnership.
Division Participation	Consultative Services; Compliance; Education, Training, and Technical Assistance; Planning, Statistics and Information Management; Director's Office
Indicator	Annual DART rate reduction and/or maintaining DART rate (10% below national average for all subcontractors and 20% below national average for primary contractor based on their NAICS) for construction site partnerships.
Source of Data	OSH 300 Log; ETTA database.
Baseline	Pre-partnership DART rate based on NAICS.

### Annual Measures

- Ensure each existing partnership maintains a DART rate 20% or more below the national average for their NAICS and all their participating subcontractors maintain a DART rate 10% or more below the national average for their NAICS. This will be determined by assessing Form 300/300A data of the participants.
- Number of partnerships and alliances relating to strategic management plan emphasis areas.

### STRATEGIES TO ACHIEVE GOALS

#### ALLIANCE & PARTNERSHIP COMMITTEE

- Review APN 18 at least annually and update as needed to ensure effectiveness and accuracy with DOL procedures.

- Meet quarterly to ensure that the Strategic Plan goals are being met.
- Verify that partnership and alliance agreements are reviewed annually to ensure that the goals and objectives identified in the agreement are being met.
- Make recommendations for termination, expiration and/or modification to agreements that are no longer functional and/or active.
- Recommend alliances and partnerships that most benefit the missions and goals of the N C Department of Labor, Occupational Safety & Health Division and support the Strategic Management Plan.
- The team leaders for the Alliances and Partnerships SEP Committee will ensure that reports, memos and other significant documents are maintained in the respective alliance or partnership folder on the F:/Drive.
- Assist other SEP committees with their respective industry groups (construction, LTC, transportation, wood products, logging, food manufacturing) in establishing alliances with trade associations, professional associations, and not-for-profit groups to build working relationships that foster an improved safety and health culture.

#### ETTA

- Work closely with all SEP's in training and outreach efforts to their respective associated alliances.
- Work closely with all alliances and partnerships (not associated with an SEP) in training and outreach efforts.
- ETTA will maintain all original signed cooperative agreements and ensure that copies of all agreements are placed on the F Drive for reference by OSH Division personnel.

#### CONSULTATIVE SERVICES

- Help identify programmatic needs at the site by reviewing the site safety and incident prevention program.
- Assist in hazard abatement methods.
- Assist in standard interpretations.

#### COMPLIANCE

- Help identify programmatic needs at the site by reviewing the site safety and incident prevention program.
- Assist in hazard abatement methods.
- Assist in standard interpretations.
- Forward any non-formal complaints to employer.

#### PSIM

- Assist bureaus in compiling information to determine success of partnerships based on analysis of injury and illness data as required by specific partnership agreements.

## DIRECTOR'S OFFICE

- Support formalized partnerships and alliances with the resources of the division.
- Promote partnerships and alliances during speeches and other outreach activities.
- Review and sign all partnership and alliance documents for the division.

## **Part III**

**FY 2010**

**23(g) Grant Application**

## **Part IV**

# **FY 2010**

## **Consultation Annual Project Plan and**

## **21(d) Grant Application**