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August 2023

OSH Update

From the Director's Office

It should be obvious to all of us that the Occupational Safety and Health Division's mission is to help employers and employees provide workplaces that are free from safety and health hazards. Ultimately, we want every employee to go home safely at the end of the day, and we want employers to have all the knowledge and tools they need to make that happen.



You may not be as aware of the OSH Division's partner bureau in the Standards and Inspections Division. The Retaliatory Employment Discrimination Bureau (REDB) enforces the Retaliatory Employment Discrimination Act, which is Article 21 of Chapter 95 of the N.C. General Statutes. The Act protects employees who in good faith engage in one of the "protected activities" under the law. Those "protected activities" cover a lot of ground and include areas such as wage and hour, mine safety and health, workers' compensation, National Guard service, genetic testing, domestic violence and pesticide exposure.

Of particular interest to the OSH Division, the Act also protects employees who make a complaint about workplace safety issues. Just as employees are afforded certain rights under the OSH Act, including the right to file complaints about safety and health hazards, employees are also protected against retaliation from their employer for filing a complaint or otherwise raising a concern about safety in the workplace. For employees to feel empowered to raise safety concerns, employees must also feel confident that they will not face adverse employment action for doing so. Adverse actions can include termination, demotion, reduction in hours, assignment to a less desirable area, etc.

You may be familiar with the term "whistleblower," which is the terminology used by federal OSHA when referring to workplace safety complaints (as well as other types of complaints). As a state-plan state, North Carolina accepts and investigates these complaints directly via REDB, and we also accept complaints referred to us by federal OSHA under Section 11(c) of the federal OSH Act. Our REDB's policies and procedures must be "as effective as" federal OSHA's procedures for addressing whistleblower complaints, and federal OSHA conducts annual audits to ensure that we are complying. REDB activity related to workplace safety complaints is also a component of our State Activity Mandated Measures (SAMM) and is evaluated on a quarterly basis by federal OSHA Region IV.

Harriet Hopkins is the Administrator of the REDB and is a terrific leader who has been successful in coming up with creative ideas that serve complainants and respondents in a more efficient and effective manner. Harriet's group is comprised of seven Employment

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Director's Message Continued

Discrimination Investigators, an Information Officer and an Administrative Assistant. During the last fiscal year, REDB opened 538 new complaint investigations and closed 518 investigations. Of those closed investigations, complaints related to workplace safety accounted for the largest number – 177 investigations. From a historical perspective, workplace safety-related complaints generally always account for the first or second-highest percentage of annual investigations. Clearly, much of REDB's work is directly related to our mutual interest of ensuring a safe and healthy workplace.

Complaints alleging a violation of the Retaliatory Employment Discrimination Act must be filed with REDB within 180 days of the last adverse employment action by the employer. After a complete investigation, a determination is made as to whether there is reasonable cause to believe that the complainant's allegations are true, and that the employer may have violated REDA. After that determination is made, a complainant is issued a 90-Day Right-to-Sue letter, which permits the person to pursue remedies in superior court. Specific only to the workplace safety complaints, complainants who are unhappy with the Bureau's determination are afforded the right to request a further review by the REDB Review Committee. This right to further review is a federal OSHA requirement and is applicable only to workplace safety complaints. The REDB Review Committee is comprised of Phil Hooper, Judyth Forte and Jennifer Haigwood (me!), and reviews cases on an as-needed basis.

I hope this column leaves you with a greater appreciation for REDB's difficult, but important, responsibility and how the bureau compliments the work of the entire OSH Division. Be on the lookout for more frequent updates and information about REDA in upcoming OSH Updates. Thank you to REDB for protecting the rights of employees to raise safety and health concerns!

-Jennifer

You Look Familiar, Are You New Around Here?

Meet Beth Rodman. Beth grew up in Apex and attended East Carolina University. As an undergraduate, Beth

studied abroad in Costa Rica and earned a BSBA degree in International Business Management.

Beth worked in the construction industry for several years after college. She worked for a debris removal company where she supervised the crews responsible for new construction homes who primarily installed silt fencing, crawlspace waterproofing and removed left over materials from newly finished houses.



Beth and her husband Jason

construction homes who primarily installed silt fencing, crawlspace waterproofing and removed left over materials from newly finished houses.

Tim Hogan's Retirement

Tim is retiring after 32 years with the department. Tim did not want a party or any fanfare, so he slid into the ORB to be presented with his certificates earlier in the month.



Scott Mabry presents Tim with NDCOL Certificate of Appreciation.

Tim Hogan is a native of western Indiana and graduated from the Indiana State University where he earned a Bachelor of Science in Safety and Health Management. Tim has worked his entire career with the North Carolina Department of Labor – Occupational Safety and Health (NCDOL–OSH) Division. He is an Industrial Hygienist/Safety Professional with a vast array of experience in both general industry and construction. Most recently, Tim worked as a NCDOL Carolina Star Program Consultant since 2015. Prior to working with Star Program participants, he worked as an OSHA Compliance Officer for 24 years conducting fatality, accident and employee complaint investigations, as well as general schedule inspections.



Tim receiving the Order of the Long Leaf Pine from LaMont Smith and Scott Mabry

Tim is the proud father of two daughters and grandfather of three grandkids. He enjoys spending quality time with his family and his two dogs. Tim has been an exceptional state employee over his 32-year career with North Carolina state government. Tim and his value-added contributions to NCDOL OSH will certainly be missed.

Her second position was with a grading company where she was mostly office based.

Beth joined NCDOL as an ASH Compliance Officer in 2007 where she traveled throughout the state inspecting migrant farm worker housing and conducting compliance inspections in various agricultural settings. Seven years later in 2014, Beth continued her career in state government but with NCDOT where she worked with disadvantaged businesses as part of a federal assistance program. In September 2017, Beth rejoined NCDOL as the Bureau Chief for the Agricultural Safety and Health (ASH) Bureau where she remains today.

In her free time Beth enjoys gardening, hiking, and traveling with her amazing husband Jason, to near and far-flung places by motorcycle or on a plane. She loves spending time with her family and friends, and their pup, Rosey.

First Subcontractor SHARP Participants

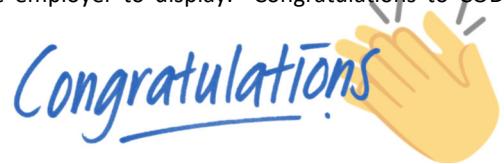
The Safety and Health Achievement Recognition Program (SHARP) is designed for small employers who have implemented a strong safety and health program in their workplace and maintain an injury and illness rate below the national average of their industry.



Each SHARP participant is establishment specific, which makes the assumption that work is performed at the same address. This model is tested by practices in the construction trades where most of the work performed by an employer is not at the establishment address. For that reason, it has been challenging to find an employer who works in a construction trade that is qualified, able, and willing to participate in SHARP. Nationwide, there are very few construction trade participants in the program.

North Carolina is thrilled to welcome CODE Electric into SHARP. The employer has about 90 employees and has agreed to host consultation visits at its office headquarters in addition to some of their jobsites. This is above and beyond what a general industry SHARP employer agrees to host. The company had its first encounter with Consultative Services in 2007. Consultants have visited a couple dozen jobsites in the Triangle area since that time.

Over the years, CODE Electric built a strong safety program and is now the first subcontractor SHARP participant in North Carolina. A celebration of the award was held at one of the company's jobsites in Raleigh on Tuesday, June 27, where Commissioner Dobson presented the company with a certificate and SHARP banner for the employer to display. Congratulations to CODE Electric!



Construction Suicide Prevention Week

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) and the American Foundation for Suicide Prevention (AFSP) have signed a two-year alliance agreement to promote awareness of workplace mental health and suicide prevention. Best practices and effective approaches for promoting workplace suicide prevention awareness will be shared through the agreement.

"Suicide is a leading cause of death among working-age adults in the United States. It deeply impacts workers, families and communities," says Doug Parker, assistant secretary of labor for OSHA. "OSHA is proud to join with the American Foundation for suicide."

In 2020, a mission-driven group of volunteers from across the construction industry came together with a goal of saving lives. They collaborated to launch the inaugural Suicide Prevention week for the industry – A week dedicated to raising awareness about the higher-than-average number of suicides in the construction industry, and to providing resources to help prevent those deaths.

September is Suicide Prevention Awareness Month, and September 5-9 has been established as Construction Suicide Prevention Week. To reflect diversity in the workforce and encourage workers' sense of belonging, the alliance will aim to develop information and products on workplace mental health and suicide prevention in multiple languages.

Call, text or chat



CONSTRUCTION SUICIDE PREVENTION WEEK
ConstructionSuicidePrevention.com

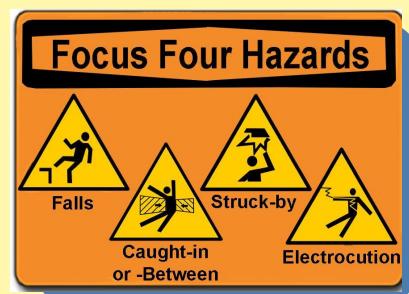
Construction Focus Four Hazards

Construction is one of the largest employers in the U.S., employing hundreds of thousands of workers in assorted trades. It also includes some of the most dangerous jobs in the country, due to common construction hazards at job sites.

The Focus Four or "fatal four" hazards are the industry's leading causes of injury and death. OSHA created the Focus Four to highlight the primary causes of injury and death in the construction industry.

The latest BLS data for the breakdown of the 986 fatalities on construction sites in 2021:

- Falls to lower level – 378 (38.3 %)
- Stuck-by object or equipment – 75 (7.6 %)
 - Electrocutions – 74 (7.5 %)
 - Caught – in / between - 29 (2.9%)



Latest U.S. BLS Data for Deaths Due to Heat Exposure

The U.S. Bureau of Labor Statistics reported that from 2011 to 2019, 255 U.S. workers died from extreme environmental heat exposure, with 57 deaths occurring to older workers (55 to 64), 144 to those working construction, repair or cleaning, as well as 54 people who were conducting materials handling operations. Gauging the actual number of fatalities related to heat illness can be difficult as State Plan States and OSHA do not always record the deaths similarly when heat illness is involved.

Workers who are at increased risk of heat stress include people over the age of 65, those who are overweight and have heart disease or high blood pressure, as well as people taking certain medications that may make them more sensitive to extreme heat.

Also remember:

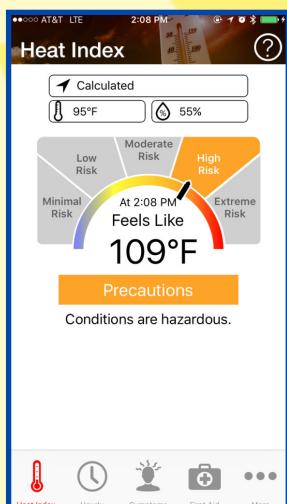
Most outdoor fatalities, 50% to 70%, occur in the first few days of working in warm or hot environments because the body needs to build a tolerance to the heat gradually over time. The process of building tolerance is called heat acclimatization. If employers sign on new workers in the summer months, who are not used to the heat, they need to acclimatize them to the new conditions. Lack of acclimatization represents a major risk factor for fatal outcomes.

Employees should be encouraged to wear light-colored moisture-wicking and thin breathable materials. If they are not required to wear hard hats, encourage them to cover their heads and apply sunscreen before working.

Beat the Heat

We are in the midst of the hot summer months. Please spend time asking questions of employers who have staff working outside if they have a heat illness prevention plan. An individual at the worksite should be responsible for monitoring conditions and implementing the employer's heat plan *throughout the workday*. Encourage them to remember the need for water, rest, and shade.

- WATER:** Have your employees DRINK plenty of fluids throughout the day. A good rule of thumb is to drink four cups of water every hour. It is best to drink a small amount of water every 15 minutes. Make water available.
- REST:** Provide rest breaks so that the body can recover.
- SHADE:** Provide places for resting in the shade or in air-conditioning.



Heat Safety Tool Phone App

U.S. Department of Labor (DOL), Occupational Safety and Health Administration (OSHA), the Centers for Disease Control and Prevention (CDC) and the National Institute for Occupational Safety and Health (NIOSH) has developed a safety tool.

It features a visual indicator of the current heat index and associated risk levels specific to your current geographical location.

[Heat Safety Tool | Occupational Safety and Health Administration \(osha.gov\)](https://www.osha.gov/heat-safety-tool)

- Precautionary recommendations specific to heat index-associated risk levels.
- Location, temperature, and humidity controls, which you can edit to calculate for different conditions.
- Signs, symptoms and first aid for heat-related illnesses.



NCDOL "Beat the Heat" billboard

The heat index is a measure of how hot it feels when relative humidity is taken into account along with the actual air temperature. It is important to note that, since heat index values were devised for shady, light wind conditions, that exposure to full sunshine can increase heat index values by up to 15°F.

The National Weather Service uses the heat index values to issue heat alerts to the general public. However, workers in hot environments experience heat stress from a combination of environmental factors and metabolic heat from the tasks they are performing. Therefore, OSHA-modified heat index cutoffs, used in the app, create heat index-associated protective measures specifically for worksites.

The heat index can be used as a screening tool, so that supervisors and workers can more easily recognize when additional preventive options should be implemented. For example, as the heat index increases then more water and rest breaks may become necessary. In addition, if conditions are of extreme risk, then it may be necessary to reschedule non-essential work.

Status of Fiscal Year Compliance Inspection Goals (through 6/30/23)

Type of Inspection	FY2023 Goal	9-Month Goal	9-Month Actual	% of Goal to Date	Trend
Total Compliance Inspections	1,900	1,425	1,279	90%	↑
Construction Inspections	800	600	642	107%	↔
Public Sector Inspections	95	71	108	152%	↔
Logging/Arborist SEP Inspections	20	15	17	113%	↑
Health Hazard SEP Inspections	60	45	83	184%	↔
Long Term Care SEP Inspections	24	18	28	156%	↑
Grocery & Related Products SEP Inspections	20	15	20	133%	↑
Food Manufacturing SEP Inspections	25	19	24	126%	↑
Amputation SEP Inspections	150	113	140	124%	↔

Status of Fiscal Year Compliance Strategic Goals (through 6/30/23)

Strategic Goal	Goal	Actual to Date
In-Compliance Rate (all inspections in FY2023)	<35%	36.3%
SAMM In-Compliance Rate – Safety (based on closed/issued cases)	<35%	31.1%
SAMM In-Compliance Rate – Health (based on closed/issued cases)	<35%	34.3%
SAMM Lapse Time – Safety	< 40 days	56.0 days
SAMM Lapse Time – Health	< 40 days	57.6 days
Follow-up Inspections (%)	5%	3.7%
Logging Fatalities	7 fatalities during baseline year	1 (on pace for 1 fatality)
Construction Fatalities	32 fatalities in baseline year	17 (on pace for 23 fatalities)

Status of Fiscal Year ASH Compliance Strategic Goals

Strategic Goal	FY 2023 Goal	9-Month Goal	9-Month Actual	% of FY Goal to date
Pre-Occupancy Camps Inspected	1,875	1,406	2,001	142%
Certificates Issued	1,750	1,312	1,970	150%
Outreach to Hispanic Farm Workers	100	75	29	39%
Education Material Distributed	2,400	1,800	5,757	320%

Status of Fiscal Year Consultation Strategic Goals

Strategic Goal	FY2023 Goal	9-Month Goal	9-Month Actual	% of FY Goal to date
Hazards Eliminated	4,800	3,600	4,521	126%
PRIVATE Consultative Visits	1,125	844	895	106%
Construction Visits	290	218	322	148%
Logging Visits	15	12	14	117%
LTC Visits	30	23	31	135%
Documentation of Health Hazard Inspections	125	94	167	178%
Food Inspections	12	9	13	144%
Program Improvements	750	563	963	171%

Status of Fiscal Year ETTA Strategic Goals

Strategic Goal	FY2023 Goal	9-Month Goal	9-Month Actual	% of FY Goal to date
Construction SEP 10 Hour Course	5	4	7	176%
Construction SEP 30 Hour Course	1	1	2	200%
Logging/Arborist Events	5	4	8	200%
LTC Events	2	2	3	150%
Health Hazard Events	20	15	16	107%
Public Sector Training Events	5	4	11	275%
Program Improvements	60	45	96	213%
Total Star Sites (new/recertifications)	20	15	22	147%
Total Star Program Interventions	100	75	121	161%
Total Persons Trained by ETTA	5,350	4,012	7,506	187%
Total Persons Trained in Identified Areas	1,500	1,125	3,705	330%
Publications Distributed	45,000	33,750	45,233	134%

*Thanks for all you do!
Jennifer & Paul*

