



**NCDOL**  
N.C. Department of Labor

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# OSH Update

## From the Director's Office

Did you know that North Carolina is a participant in the National Construction SHARP Pilot Program? If you work in Consultative Services, it is likely so. However, if you work elsewhere in the OSH Division or the department, you may not know about Consultative Services' work related to the Construction SHARP.



I had the opportunity to learn more about the national pilot program during the OSHA On-Site Consultation Training Conference (OSHCON), held June 21 – 22. Our own Kevin O'Barr represented our program on a panel presentation and discussion about the implementation and evaluation measures of the pilot program, both in North Carolina and nationally. We are one of several states (including Florida, Kansas, Maine, New Hampshire, New Mexico, Pennsylvania and Vermont) that agreed in 2015 to expand the general industry SHARP model to the construction industry. Kevin, representing the perspective of a consultation program manager, was joined by several folks from OSHA's Office of Small Business Assistance and the U.S. Department of Labor's Evaluation Office. One of the most significant benefits of Construction SHARP is our ability to access all of the trades on site. These second and third-tier subcontractors are often where we find hazards, so it is critically important to reach those workers. Evidence suggests that the

Construction SHARP pilot has been successful, and I thank Kevin and CSB for their promotion of the program.

June 30 marked the end of the state fiscal year and July 1 normally signals the beginning of a new biennial budget. However, the General Assembly is still working behind the scenes to craft a budget "conference report" that will establish new funding and policy provisions for the next two years. In the absence of a completed budget, the state will continue operating in the new fiscal year under the budget from the previous year. Legislative leaders hope to adopt and send to the Governor a budget conference report within the next few weeks. Despite the late adoption, most provisions in the budget will likely take effect retroactively to July 1. It remains unclear how this will affect legislative salary increases, meaning whether or not those increases will also be retroactive to July 1. As soon as the new budget is in place, the Director's Office will provide details on anything relevant to the OSH Division.

July 1 is also an important date for OSH penalty increases. On that day, the maximum penalty for a willful or repeat violation

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increased to \$156,259 and the maximum penalty for serious and other types of violation increased to \$15,625. These changes have been reflected in the FOM, on our public website and in OE. I extend a "thank you" to the folks throughout the OSH Division who worked hard to make these changes. As a reminder, from this year forward, penalties will increase annually on July 1 and are based on adjustments to the U.S. Consumer Price Index and published by the U.S. Department of Labor.

Finally – everyone's favorite topic – the new fiscal year also marks the conclusion of the SFY 2022-2023 performance evaluation cycle and kicks off planning for the new performance management year. I encourage you to take this opportunity to have an open and productive discussion with your supervisor about your goals for the year and options for professional growth. While meeting our program goals is very important, I also think it is critical that everyone understands why we measure our work and how each of our individual roles play a part in accomplishing the overall mission of workplace safety and health.

Enjoy the 4<sup>th</sup> of July holiday with your family and friends! Have a wonderful month and stay safe in the heat.

-Jennifer



## Scott Mabry Reappointed to ACCSH

 OSHA Advisory Committee on Construction Safety and Health (ACCSH) is an advisory body established by statute that provides advice and assistance in construction standards and policy matters to the OSHA Assistant Secretary. There are 15 members of this advisory body. Scott Mabry has been appointed to serve on the committee for his third consecutive term.

Members advise the OSHA Assistant Secretary with respect to setting construction standards and policy matters affecting federally financed or assisted construction and the setting of construction standards under

the Occupational Safety and Health Act. There is a set committee composition that serve with the Assistant Secretary. The Secretary appoints fifteen members to ACCSH, five to represent employers, five to represent employees, two to represent state safety and health agencies, two to represent the public, and one member to be designated by the Secretary of Health and Human Services (usually from the National Institute of Occupational Safety and Health). The committee meets two to six times per calendar year for one or two days per meeting.

## New in OE—Letters to Victims' Families

Recently two new "accident" letters were added to OSHA Express. The form codes for the letters are: OS0529 – ACC Victim – Injured LTR and OS0544 – Next of Kin – ACC Incapacitated.

Legal Affairs developed these letters so that the injured employee and/or their NOK would be made aware of our ongoing investigation into the work-related accident. The letters provide the employee and/or their NOK with information about our inspection procedures, which include employee interviews. The first letter, OS0529, can be used in situations where the injured employee is unable to return to work due to their injury and the CSHO has been unable to make contact with them to conduct an interview.

The second letter, OS0544, can be used when the injured employee is incapacitated and "unable to talk" (i.e., in the burn center, in a coma, etc.).

## Travel Per Diem Increase

Per diem travel subsistence rates will be changing effective July 1, 2023. Listed below are the snapshots of the per diem changes to the travel subsistence rates.

Financial Services will be updating the NCDOL Travel Policy, the travel reimbursement form, and the DOLB-8 pre-travel form as soon as possible. However, please remember that June travel reimbursement requests will continue to utilize the per diem travel subsistence rates that will be expiring on June 30, 2023.

### New per diem rates – effective July 1, 2023

	<u>In-State</u>	<u>Out-of-State</u>
Breakfast	\$ 10.10	\$ 10.10
Lunch	\$ 13.30	\$ 13.30
Dinner	\$ 23.10	\$ 26.30
Lodging (actual, up to)	\$ 89.10	\$ 105.20
Total	\$ 135.60	\$ 154.90

# Hot Weather Burn Hazards

After cooler weather than normal the temperatures are starting to increase. Soon we will be in the peak of summer which means everything outdoors will become hot. Equipment, tools and work surfaces can become incredibly hot during the summer, reaching temperatures that can cause first- and second-degree burns when touched. Particularly with surfaces and equipment that are exposed to direct sunlight, employees need to be educated and possibly trained on the hazards of hot surfaces, depending on where they work.

To address this hazard, employers must perform a hazard assessment of the work environment, documenting all occupational hazards as well as identification of areas with potentially hot surfaces. Once identified, look at strategies to mitigate the hazard such as "Do not touch" and "Hot surface" signs, as well other measures such as PPE like protective gloves, relocation of equipment into shaded areas and resurfacing/painting work surfaces with heat-reflective coatings and paint.

## Safety Awards Banquet

Commissioner Dobson and Kylie Willard have almost completed the awards season. More than 130 people attended the Raleigh Safety Awards banquet on June 2, 2023 at the Crabtree Marriot. The Commissioner's

wife and daughter were also present which made it a memorable event for him. The event was co-sponsored by the Safety and Health Council of North Carolina.

The Raleigh banquet has always been one of the largest banquets in the

state, but COVID stopped attendance for a couple of years as the banquets went virtual or were cancelled. Since resuming in-person banquets, the attendance numbers have not rebounded to the levels experienced pre-COVID. For example, in 2018 the Raleigh banquet included more than 400 participants. The Department is making efforts to increase the attendance numbers back to pre-COVID times. However, the good news is that many companies maintained their good safety records.



In particular, two entities that were awarded at the Raleigh banquet with the highest number of consecutive years with no incidents (24-Year Gold) were Martin Marietta Materials, N.C. East District, Onslow Quarry and the N.C. Department of Public Safety, Central Engineering Division.

In this 77<sup>th</sup> NCDOL Annual Safety Awards season, the department received five (5) Safety Awards at the Raleigh banquet: NCDOL – OSH Administration (Eighteenth Year Gold); NCDOL – Boiler Safety (Fourth Consecutive Year Gold); NCDOL – Bureau of Consultative Services (Nineteenth Consecutive Year Gold); NCDOL – Financial Services Division and NCDOL – Planning, Statistics & Information Management Bureau – (Twenty-First Year Gold)

The following companies also received significant Million Hour Awards:

- Metcon, Inc -1,800,000 hours worked from 1/1/2010 – 1/1/2023
- CRB Group - 3,345,114 hours worked from 1/1/2002 – 12/31/2022
- Caterpillar – Sanford Facility - 2,372,413 hours worked from 1/1/2022 – 12/31/2022



# You Look Familiar, Are You New Around Here?

**M**eet George Thrower III.

George is a CSHO II in District 4 in the OSH West Compliance Bureau and has been with the Division for over five years. He started work in February 2018 after

spending over seven years as a Safety Manager and interim HR Manager for a food-service equipment manufacturer in Matthews. George has a degree in Human Resources but spent many years in the safety field. During his time at his previous

employer, he had been inspected by OSH three times and he says the inspection conducted by Ted Hendrix was his most memorable mainly because of the 20 citations that Ted gifted him.

George is a native of Charlotte and according to his wife is full of useless information about the area. George says, I think I have hit the age where I use the phrase, "I remember when that was a (insert old business here)" a lot. George grew up in a family that was in the grocery business. George's grandfather owned a supermarket in Belmont and according to George, it was the first supermarket in Gaston County at the time that stayed open until 9pm. George's dad, who he lost last year, was in the grocery business his entire life and when George was 15, he followed tradition and went to work as a bagger at a supermarket. George did some job hopping as most young people do and ended up as a FBO (Fixed Base Operator) at the Charlotte Airport.

George worked his way up to a supervisor and left to work at the Gastonia Airport. There he spent time in aircraft maintenance and eventually received a call in 2002 from his old employer who offered him a safety/training position. George went for it and has been involved in workplace safety ever since. George is told by his co-workers that he has lived the life of a 100-year-old man with his stories of adventure. He's even an ordained minister!

George currently loves spending time with his wife Renee, daughter Emma (16), and son Evan (12). George says, "I am a big kid at heart. If you visit my cubicle, you will find Lego sets, diecast cars and of course a Nature Boy Ric Flair action figure."

George says he was raised on video games and continues to be a big video game fan. George especially enjoys using his racing simulator setup. In real life driving, George enjoys driving his Mustang. George is a member of the Sports Car Club of America and the Carolina Regional Mustang Club. George participates in Track Night events at different racetracks such as Carolina Motorsports Park in Kershaw, S.C. and most recently a rainy Charlotte Motor Speedway. George and his car were also featured in the May 2023 Editors Choice Edition of Stang Magazine.

George says that working for NCDOL is great and is his "going out" job. George says, "I am so thankful that my supervisor, Laura Crawford, took a chance on me and gave me the opportunity to be part of the NCDOL family.

**SAVE THE DATE**

**SAFE + SOUND**

**Week**

August 7-13, 2023

SAFE WORKPLACES ARE SOUND BUSINESSES



**M**ark your calendars! Safe + Sound Week will take place from **August 7-13, 2023**.

Safe + Sound Week is a nationwide event held each August that recognizes the successes of workplace health and safety programs and offers information and ideas on how to keep America's workers safe.



George's daughter, Emma and son, Evan

OSHA reported that Safe + Sound was a big success with 3,336 businesses participating in Safe + Sound Week in 2022 and that 113,797 participants regularly received safety and health messages via the OSHA listserv. North Carolina had 109 business partners who participated in the event and ranked 6<sup>th</sup> across the country in number of participants per state. OSHA is hoping with the State Plan States also encouraging participation that they will surpass the 2022 numbers in 2023.

Please help get the word out by encouraging the businesses you come in contact with to join in on the efforts. ETTA will have events scheduled and everyone is encouraged to participate.

## Status of Fiscal Year Compliance Inspection Goals (through 5/31/23)

Type of Inspection	FY2023 Goal	8-Month Goal	8-Month Actual	% of Goal to Date	Trend
Total Compliance Inspections	1,900	1,267	1,102	87%	↑
Construction Inspections	800	533	558	105%	↑
Public Sector Inspections	95	63	93	147%	↔
Logging/Arborist SEP Inspections	20	13.3	6	45%	↑
Health Hazard SEP Inspections	60	40	75	183%	↔
Long Term Care SEP Inspections	24	16	24	150%	↑
Grocery & Related Products SEP Inspections	20	13.3	15	113%	↔
Food Manufacturing SEP Inspections	25	16.7	19	114%	↔
Amputation SEP Inspections	150	100	124	124%	↑

## Status of Fiscal Year Compliance Strategic Goals (through 5/31/23)

Strategic Goal	Goal	Actual to Date
In-Compliance Rate (all inspections in FY2023)	<35%	36.8%
SAMM In-Compliance Rate – Safety (based on closed/issued cases)	<35%	30.2%
SAMM In-Compliance Rate – Health (based on closed/issued cases)	<35%	36.5%
SAMM Lapse Time – Safety	< 40 days	56.6 days
SAMM Lapse Time – Health	< 40 days	59.2 days
Follow-up Inspections (%)	5%	3.0%
Logging Fatalities	7 fatalities during baseline year	1 (on pace for 2 fatalities)
Construction Fatalities	32 fatalities in baseline year	17 (on pace for 26 fatalities)

## Status of Fiscal Year ASH Compliance Strategic Goals

Strategic Goal	FY 2023 Goal	8-Month Goal	8-Month Actual	% of FY Goal to date
Pre-Occupancy Camps Inspected	1,875	1,250	1,978	158%
Certificates Issued	1,750	1,166	1,900	163%
Outreach to Hispanic Farm Workers	100	66	29	44%
Education Material Distributed	2,400	1,600	5,656	354%

## Status of Fiscal Year Consultation Strategic Goals

Strategic Goal	FY2023 Goal	8-Month Goal	8-Month Actual	% of FY Goal to date
Hazards Eliminated	4,800	3,200	4,160	130%
PRIVATE Consultative Visits	1,125	750	794	106%
Construction Visits	290	194	281	145%
Logging Visits	15	10	12	120%
LTC Visits	30	20	28	140%
Documentation of Health Hazard Inspections	125	83	154	186%
Food Inspections	12	8	12	150%
Program Improvements	750	500	853	171%

## Status of Fiscal Year ETTA Strategic Goals

Strategic Goal	FY2023 Goal	8-Month Goal	8-Month Actual	% of FY Goal to date
Construction SEP 10 Hour Course	5	3	6	200%
Construction SEP 30 Hour Course	1	1	2	200%
Logging/Arborist Events	5	3	8	267%
LTC Events	2	2	2	100%
Health Hazard Events	20	14	15	107%
Public Sector Training Events	5	3	10	333%
Program Improvements	60	40	90	225%
Total Star Sites (new/recertifications)	20	14	15	107%
Total Star Program Interventions	100	66	105	159%
Total Persons Trained by ETTA	5,350	3,566	6,968	195%
Total Persons Trained in Identified Areas	1,500	1,000	3,602	360%
Publications Distributed	45,000	30,000	41,731	139%

HAPPY  
4th of july Jennifer  
& Paul