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OSH Update

February 2024

From the Director's Office



As January comes to a close, we wish a bittersweet but fond farewell to Harriet Hopkins, Administrator of the Retaliatory Employment Discrimination Bureau (REDB) who will retire from state government on February 1. Harriet joined our department in October 2017 and has proven to be a tremendous asset over her six-plus years of service. Though REDB is officially housed within the Standards and Inspections Division, REDB's mission clearly overlaps with and complements the workplace safety and health role of the OSH Division. As part of our state plan agreement with federal OSHA, we (via REDB) must accept and investigate "whistleblower" complaints related to safety and health. Though REDB has statutory jurisdiction over 11 protected activities, roughly half of REDB's investigations involve employees who have made a complaint about or otherwise raised a workplace safety issue. Whistleblower activity is a component of the State Activity Mandated Measures (SAMM) by which federal OSHA measures the effectiveness of our program. All of these measures are evaluated on a quarterly basis by federal OSHA. When employees feel protected from retaliation, they are more likely to raise legitimate safety concerns in the workplace and with our complaint desk. Harriet's REDB team plays a vital role in ensuring that employees' rights are protected which, in turn, allows more hazards to be corrected.

Harriet's accomplishments are too numerous to list, but the Mediated Settlement Conference Program has been profoundly impactful for the Bureau. Before arriving at NCDOL, Harriet served in a leadership role at the N.C. Dispute Resolution Commission, a position that allowed her to gain experience both as a mediator and in providing support to mediation programs. She brought that professional experience to REDB and commenced the "mediation program" in July 2020 which is served by more than two dozen certified volunteer mediators and is free of charge to participants. The program has resulted in numerous settlements over the past four years and generated significant monetary proceeds for complainants as part of those settlement agreements.

Harriet leaves the Bureau in the very capable hands of a professional, positive, and motivated group of investigators and staff who care deeply about serving our citizens in the most effective way possible. Read about one of these investigators in this month's "You Look Familiar..." column. Best wishes, Harriet, as you begin this new adventure!

In other good news, the Bureau of Labor Statistics recently released national and state injury and illness rates for calendar year 2022. In North Carolina, that information is collected by our very own Research and Policy Bureau (Administration Division) via the Survey of Occupational Injuries and Illnesses. Specific to the private sector, North Carolina's Total Recordable Case rate was 2.2 (19% below the national rate) and its Days Away, Restricted or Transferred rate was 1.4 (18% below the national rate).

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When including public sector establishments, North Carolina's TRC rate was 2.4 (20% lower than the national rate) and its DART rate was 1.4 (22% lower than the national rate). North Carolina's historically low injury and illness rates serve as testimony to the collaborative work of all our bureaus and an effective strategic management plan. Thank you for your hard work!

I'm looking forward to several upcoming events on the February calendar. On February 1, the ASH Bureau will host the Gold Star Grower workshop and luncheon at the McKimmon Center in Raleigh. This event recognizes growers who meet and exceed all of the requirements of the Migrant Housing Act. The workshop portion of the program will include a presentation from ETTA's training section, as well as remarks from USDOL representatives and others. I will be in Nashville, TN during the week of February 5, as the Occupational Safety and Health State Plan Association (OSHSPA) gathers for its winter meeting. OSHSPA meetings are an opportunity for state plan representatives from around the country to engage with one another about issues of common interest and to hear from federal OSHA officials about current and future topics. The winter meeting agenda also includes a separate meeting for legal representatives from each state, and I'm excited that our Legal Affairs office, as well as the Labor Section of the Attorney General's Office, will represent North Carolina at the meeting. The month will wrap up with the first quarterly meeting of FFY 2023 with Kim Morton, our federal OSHA Area Director.

I hope you have a great February. Keep your head up – longer days and warmer weather are on the horizon!



Harriet Hopkins receives NCDOL Certificate of Appreciation from Commissioner Dobson



-Jennifer

Construction Special Emphasis County Changes

The Construction SEP Committee made some changes to the SEP counties this year. The additions and changes are shown in red below.

East

Brunswick

- Carteret
(Added HAC 2023-24)

Chatham

- Cumberland
(Added HAC 2023-24)
- Durham
(No Longer a Fatality County 2023-24)

Edgecombe (Fatality County)

Franklin

Harnett

Johnston

- Moore
(Added HAC 2023-24)

New Hanover

Onslow

Pender

Pitt

Robeson (Fatality County)

Wake (Fatality County)

West

Alamance

Buncombe (Fatality County)

Cabarrus

Catawba

- Davidson
(Added HAC 2023-24)

Forsyth (Fatality County)

- Gaston
(New Fatality County 2023-24)

Guilford (Fatality County)

Henderson (Fatality County)

Iredell (Fatality County)

Lincoln

Mecklenburg (Fatality County)

- Rowan
(Added HAC 2023-24)

Union

Five New Remote Pilots Join the Ranks

New pilots received their initial training in Raleigh in October 2023 at Dortehea Dix Park in Raleigh: Tyler Bobo and Tyler Smith from Raleigh and Nathan Cline, Jeff Johnson and Griselle Negron from Charlotte.



Griselle Negron, Chris Fombin and Nate Cline

Part of the remote pilot's initial training includes completing a ground course. The training includes general aeronautical knowledge, terminology, National Air Space, UAS operations, meteorology, regulatory requirements both federal and state levels and flight demonstrations. After completing this training the new pilots should be able to successfully pass the FAA Part 107 UAS exam and be issued the Remote Pilot's License and the NCDOT UAS State Permit. Our partner with the Division of Aviation with NCDOT provided an instructor for the Part 107 course. After completing the ground course, the pilots received hands on flight training with the drones where they learned basic flight skills and maneuvers, risk mitigation, emergency

flight strategies and flight operations.

On November 9 current (Michael Greer, George Calvery, Mike Saye, Chris Fombin, Ted Hendrix, Morgan Brown, Lee Peacock and Tyler Bobo) and new pilots conducted flight training at the Randolph County Emergency Services Training Center in Randleman. As part of the training, pilots updated system firmware, conducted equipment inspection, were provided new safety vests and equipment, and received updates on regulatory action which will be effective early 2024. After receiving classroom instruction, the pilots performed hands on flight training to further enhance their proficiency with the unmanned aircraft systems. The pilots had to successfully navigate the drones through six stations which challenged their flight skills. The pilots were separated into two person teams which included one seasoned pilot and one new pilot to provide better instruction and training for the new pilot.



Morgan Brown and Nate Cline



Jeff Johnson and Mike Saye

FIS Updates

OSH Division—Strategic Management Plan and Committees

[Strategic Management Plan FFY 2024 \(SMP 2024-2028\)](#)
Effective 10/01/2023

North Carolina's five year Strategic Management Plan (SMP) 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. *NOTE: The first year, FFY 2024, of the new five year Strategic Management Plan (FFY 2024-2028) is effective 10/01/2023.*

Field Operations Manual (FOM)

[FOM Chapter 02 – Compliance Programming](#)
Effective 10/24/2023

The purpose of this chapter is to provide guidance to Division personnel in planning compliance operations and related activities and instructions for their implementation. *NOTE: The most recent revision updates instructions on follow-up inspections and revises the order of priorities for inspections.*

[Field Operations Manual – All Chapters](#)
Effective 10/24/2023

This document contains all of the current FOM Chapters. Search for terms or keywords using the Find feature (CTRL-F) within the document. It has been revised to include the recent changes to FOM Chapter 02 – Compliance Programming.

Operational Procedure Notice (OPN)

[OPN 135: Special Emphasis Program for Exposures to Health Hazards](#)
Effective 12/12/2023

Special emphasis program for health inspections where lead, crystalline silica, isocyanates, beryllium and hexavalent chromium exposures may exist. *NOTE: The latest revisions include the removal of asbestos from the health hazards SEP and the addition of beryllium (effective October 1, 2023). Additionally, OSHA's September 22, 2023 memo – [Respirable Crystalline Silica Focused Inspection Initiative in the Engineered Stone Fabrication and Installation Industries](#) was reviewed for use in North Carolina. Instead of adopting the initiative verbatim, applicable NAICS codes were incorporated in the OPN.*

You Look Familiar, Are You New Around Here?

My name is David Bailey. I was in ROTC at N.C. State University and then spent over four years in the U.S. Army. After graduating from the Officer's Basic Course at Ft.



McClellan, AL, I served on an Inspection Team and as a Platoon Leader in what was then West Germany. It was great being able to travel all over Europe. I was also stationed in California at the Defense Language School. After leaving the Army, I worked for the Federal Election Commission in Washington, D.C. My job

there was to help monitor federal election campaigns for financial contribution limit compliance.

Two good friends of mine who I admired and respected were police officers, so I decided to give it a try. I was accepted by the Raleigh Police Department and spent 23 years plus as an Officer and later a Detective. I had a very rewarding career with the Department and have many cherished memories. After I retired from RPD, I felt the urge to join the full-time workforce again. I was accepted by the N.C. Dept. of Labor and began working with the Retaliatory Employment Discrimination Bureau (EDB for short) in April 2019.

Our job is to investigate complaints made by employees of retaliation by employers after the employee has participated in a protected activity (such as filing a workers' comp claim, raising safety/occupational health concerns, complaining about their wages, etc.). I believe that my experience on the Inspection Team in the Army and my time as a Detective with RPD helped prepare me for my role with EDB.

I left EDB in early 2021 to enter the private sector. After about a year, I came back to NCDOL and performed a short stint with the Wage and Hour Bureau. Then, Harriet Hopkins and Phil Hooper were kind enough to let me have my old job back with EDB in June 2022. There are always interesting cases to investigate in EDB. It's particularly rewarding when we're able to help facilitate a settlement between an employee and the employer.

I enjoy spending time with my family and friends. I love to travel and take short trips, grill out, go to restaurants, and attend church. I'm a long-suffering Washington-area sports fan (Caps, 'Skins, Nats), plus N.C. State. I want to take up guitar again (out of practice for decades).

New Page Addition to the One-Stop Shop

A new page for items Under Review has been added to the FIS under Policy and Guidance. This page contains federal compliance enforcement policies under review for use by the OSH Division. For many documents, OSH must provide intent to adopt verbatim, adopt equivalent, or not adopt to OSHA within 60 days. Final adoption or creation of a state-specific policy must be completed within 6 months. Due dates on this page reflect the 6-month adoption date. Documents are assigned to a Standards Officer responsible for leading the review. Questions regarding individual documents can be directed to the Standards Officer assigned.

Travel Reimbursement Mileage Increase

The IRS mileage rate has been increased to .67 cents per mile for calendar year 2024 effective January 1, 2024. In addition, the MFM mileage rate has also been increased to .36 cents per mile effective January 1, 2024.

The NCDOL travel policy and travel reimbursement form has been updated to comply with the January 1, 2024, IRS and MFM mileage rate increases. Please note that your January travel reimbursements will need to be completed on the updated travel reimbursement form. Any December travel reimbursement requests will continue to use the form with the version updated as of 10/06/2023. If the incorrect travel reimbursement form is utilized, it will delay FSD in processing the reimbursement payment.

Retirement Update

Bruce T. Miles has worked in North Carolina state government for over 38 years. Bruce received his Bachelor of



Science degree in Chemistry and in Industrial Hygiene from Saint Augustine's University, Raleigh, North Carolina. He worked in the roles of Chemical Analyst for the North Carolina Department of Agriculture as well as Research Technician and Safety and Health Officer for North Carolina State University. His last roles have

been with the North Carolina Department of Labor – OSH Compliance Bureau in the field of Occupational Safety and Health.

Bruce has been employed in the OSH Division since January 1987. He has worked several positions within the department to include an OSHA Industrial Hygiene Inspector Apprentice (1/87 – 10/90), Health Compliance Officer I/II (10/90 – 8/2004), OSH Safety and Health Supervisor for District 11 (9/2004 – 11/2022), and the OSHA Express Dashboard Manager (OEDM)/HCO II for the East Compliance Bureau (12/2022 – 12/31/23).

Bruce values spending time with friends and family. He has a passion for sports including playing basketball and tennis and enjoyed coaching the NCDOL softball team. He is a lifetime Philadelphia Eagles fan. He loves traveling, dining on seafood, and visiting beaches. Congratulations to Bruce on his retirement, effective December 31, 2023.

Congratulations

Status of Fiscal Year Compliance Inspection Goals

Type of Inspection	FY2024 Goal	3-Month Goal	3-Month Actual	% of Goal to Date	Trend
Total Compliance Inspections	1,700	425	313	74%	↓
Construction Inspections	800	200	173	87%	↓
Public Sector Inspections	85	21	10	48%	↔
Logging/Arborist SEP Inspections	24	6	6	100%	↔
Health Hazard SEP Inspections	100	25	18	72%	↑
Long Term Care SEP Inspections	24	6	3	50%	↑
Grocery & Related Products SEP Inspections	24	6	9	150%	↔
Food Manufacturing SEP Inspections	24	6	6	100%	↔
Amputation SEP Inspections	180	45	32	71%	↑

Status of Fiscal Year Compliance Strategic Goals

Strategic Goal	Goal	Actual to Date
In-Compliance Rate (all inspections in FY2023)	<35%	41.5%
SAMM In-Compliance Rate – Safety (based on closed/issued cases)	<35%	37.6%
SAMM In-Compliance Rate – Health (based on closed/issued cases)	<35%	41.0%
SAMM Lapse Time – Safety	< 40 days	67.1
SAMM Lapse Time – Health	< 40 days	67.8
Follow-up Inspections (%)	5%	1.6%
Logging Fatalities	7 fatalities during baseline year	1 (on pace for 4)
Construction Fatalities	32 fatalities in baseline year	1 (on pace for 4)

Status of Fiscal Year ASH Compliance Strategic Goals

Strategic Goal	FY 2024 Goal	3-Month Goal	3-Month Actual	% of FY Goal to date
Pre-Occupancy Camps Inspected	1,975	494	227	46%
Certificates Issued	1,890	473	127	27%
Outreach to Hispanic Farm Workers	50	13	0	0%
Educational Material Distributed	2,800	670	896	134%

Status of Fiscal Year Consultation Strategic Goals

Strategic Goal	FY2024 Goal	3-Month Goal	3-Month Actual	% of FY Goal to Date
Hazards Eliminated	4,800	1,200	1,226	102%
PRIVATE Consultative Visits	1,125	281	280	100%
Construction Visits	300	75	126	168%
Logging Visits	15	4	4	100%
LTC Visits	30	8	3	38%
Documentation of Health Hazard Inspections	125	31	46	148%
Food Inspections	12	3	2	67%
Program Improvements	750	188	316	168%

Status of Fiscal Year ETTA Strategic Goals

Strategic Goal	FY2024 Goal	3-Month Goal	3-Month Actual	% of FY Goal to Date
Construction SEP 10 Hour Course	5	1	2	200%
Construction SEP 30 Hour Course	2	1	1	100%
Logging/Arborist Events	5	1	0	0%
LTC Events	2	1	0	0%
Health Hazard Events	20	5	6	120%
Public Sector Training Events	5	1	5	500%
Program Improvements	60	15	27	180%
Total Star Sites (new/recertifications)	20	5	5	100%
Total Star Program Interventions	100	25	37	148%
Total Persons Trained by ETTA	5,350	1,337	1,903	142%
Total Persons Trained in Identified Areas	1,500	375	594	158%
Publications Distributed	50,000	12,500	8,891	71%

Thanks for all you do!
Jennifer & Paul

