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COMMISSIONER

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ASSISTANT DEPUTY COMMISSIONER
OCCUPATIONAL SAFETY AND HEALTH DIVISION

MEMO COV 5

To: OSH Division
From: Scott Mabry, Assistant Deputy Commissioner 
Date: October 21, 2021
Re: Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19)

On July 7, 2021, the Occupational Safety and Health Administration (OSHA) issued an *Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19)* memorandum, which provides new instructions and guidance for handling COVID-19-related complaints, referrals, and severe illness reports in workplaces that are not covered by the June 21, 2021, *Emergency Temporary Standard for COVID-19*.

Per this memorandum, the Occupational Safety and Health (OSH) Division of the North Carolina Department of Labor adopts the above-mentioned OSHA interim enforcement response plan memorandum ([attached](#)) for use in North Carolina, with modifications as listed below:

- References to federal administrators or supervisors will mean the appropriate OSH Division management.
- References to CPL 02-00-164, Field Operations Manual (FOM) will mean the NCDOL OSH Division FOM.
- References to the Whistleblower Protection Program will mean the NCDOL Retaliatory Employment Discrimination Bureau.

Compliance Safety and Health Officers (CSHOs) will disregard references to federal documents not adopted by the OSH Division and will follow guidance located on the Field Information System (FIS). This includes the following:

- The OSH Division did not adopt the National Emphasis Program (NEP) for COVID-19 and references to the NEP will be disregarded.
- If CSHOs need access to employee medical records, CSHOs will follow procedures in the FOM and will use the applicable medical release form, located on the FIS.
- References to OSHA's memo on rapid response investigations will mean NCDOL's memo RK1a - *Response to Injury and Fatality Reports* as well as the *COVID-19 Complaint Procedures* located in the One Stop Shop's COVID-19 resources.
- References to OSHA's COVID-19 Workplace Safety Plan or OSHA's Safety and Health Management System will mean OSH Division personnel safety and health policies including the NCDOL safety programs, OSH Compliance unit safety programs and the *Procedures for Reopening OSH Offices During Ongoing COVID-19 Pandemic* found on the One Stop Shop.
- References to Section 5(a)(1) - General Duty Clause will mean NCGS 95-129(1) - General Duty Clause.

All COVID-19 activity should continue to be coded in OSHA Express (OE) using the codes available in the *OSHA 1 Instructions* found on the One Stop Shop under the Technical Writing Course materials. Referenced employer letters can be found in OE.

OSHA's interim enforcement response plan mentions several applicable training courses for CSHOs to access. In addition to those courses, NCDOL also has several virtual courses and pre-recorded webinars available on the NCDOL website for staff review.

The interim enforcement response plan directs CSHOs to perform a risk-assessment prior to the inspection. In NC, CSHOs will gather any available information about the site, company or industry prior to conducting the inspection to aid in personal protective equipment selection and site-visit planning.