

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

**Public Notice**

This serves as notice to the public of an increase in the civil penalties issued by the Occupational Safety and Health Division of the North Carolina Department of Labor (“NCDOL”).

NCDOL administers the Occupational Safety and Health Act of North Carolina (“OSH Act”) and is a federally approved state plan program. State plan programs are required to adopt maximum penalty levels, which must be at least as effective as the federal Occupational Safety and Health Act program, for violations of the OSH Act.

On January 13, 2023, the United States Department of Labor (“USDOL”) published a notice in the Federal Register of changes to federal Occupational Safety and Health Administration (OSHA) civil penalty amounts based on cost-of-living adjustments for 2023. See: <https://www.federalregister.gov/documents/2023/01/13/2023-00271/federal-civil-penalties-inflation-adjustment-act-annual-adjustments-for-2023>

Penalties for violations of the OSH Act of North Carolina are established pursuant to N.C. Gen. Stat. 95-138 of Article 16. The statutory change to N.C. Gen. Stat. 95-138 may be found here: <https://www.ncleg.gov/Sessions/2021/Bills/House/PDF/H103v5.pdf>. The statute was amended effective October 1, 2022, to mirror the federal language regarding minimum and maximum civil penalties in accordance with the requirements set forth in the U.S. Consumer Price Index for All Urban Consumers published by the USDOL. The N.C. Commissioner of Labor is required to publish civil penalties in the North Carolina Register within 60 calendar days from the date a final rule is published in the Federal Register.

This serves as public notice pursuant to N.C. Gen. Stat. 95-138 and 13 NCAC 07A .0301 or any related or subsequent regulations setting penalty standards in compliance with Part 1903 of Title 29 of the Code of Federal Regulations of an increase in Occupational Safety and Health civil penalties pursuant to a change in the U.S. Consumer Price Index for All Urban Consumers that was published on January 13, 2023. As provided by the Inflation Adjustment Act, **the increased penalty levels apply to any penalties assessed by NCDOL pursuant to the OSH Act on or after July 1, 2023.**

Both Federal OSHA’s and the NCDOL Occupational Safety and Health Division’s maximum penalties for serious and other-than-serious violations will increase from \$14,502 per violation to \$15,625 per violation. The maximum penalty for willful or repeated violations will increase from \$145,027 per violation to \$156,259 per violation.

1/17/2023  
NCDOL