



N.C. Department of Labor

Cherie Berry, Commissioner

Labor LEDGER

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Farm Safety Needs to Be Top Priority *Agriculture, including forestry, is a dangerous job*

By Andrea Ashby, Assistant Director, Public Affairs Division
N.C. Department of Agriculture and Consumer Services

Farming is a dangerous profession, something that Regina Cullen with the N.C. Department of Labor is reminded of regularly. Cullen is the department's Agricultural Safety and Health Bureau chief, and her office investigates reportable farming accidents.

Just about every year, Cullen said, her office sees at least one fatality due to an accident involving a tobacco harvester. The sad part of that sobering statistic is that "I believe they are all preventable," she said.

Injuries are not just limited to tobacco harvesters. Augers, balers, combines, tobacco boxes are other pieces of equipment that are commonly involved in injuries.

Accident Hits Close to Home

In 2015, Kirk Mathis, a Wilkes County farmer and member of the N.C. Board of Agriculture, saw the effects of a farming accident firsthand when he responded to an incident involving a hay baler as a firefighter with his local volunteer fire department. The farmer survived, but lost part of his arm.

Mathis said he has seen accidents before involving tractors that have rolled over, but it was the first time in 15 years with the fire department he had seen one involving a hay baler. It has made him give more thought to farm safety and champion the message that farmers need to be extra vigilant when working around these large and powerful pieces of equipment.

"As a firefighter, there are two calls you don't want to hear come across the fire pager—a disc mower accident or a round baler accident—because those are normally fatal," Mathis said.

His message to other farmers is straightforward: "Cut this equipment off. Don't work on it while it is running. No, no, no, no, no, never do that. Cut the dum machine off. There's no need to leave it running."

Mathis' story is way too similar to ones Cullen hears in her job. Stories of workers hurrying to harvest a crop, reaching into a running machine with a stick, a pole or their hand to loosen jammed tobacco, hay or other material. "We hear it all the time, [people say] 'I've done it a hundred times,' or 'I am in a hurry,'" she said.

Those decisions can lead to fatal consequences.

The N.C. Department of Labor investigated seven agricultural and forestry fatalities in 2012, nine in 2013, three in 2014 and six in 2015, but those likely were not the only accidents that occurred during that time.

Under the law, only farms with 10 or more employees, or that use H2A workers or provide migrant housing, are required to report fatal accidents. Some fatalities go unreported because of the size of the farm or if it is a family business, Cullen said.

The Danger

Nationally in 2014, agriculture, forestry, fishing and hunting posted the highest rate of fatal work injuries of any industry group, with 24.9 fatalities per every 100,000 full-time employees, according to the Census of Fatal Occupational Injuries compiled by the U.S. Department of Labor's Bureau of Labor Statistics.

And those numbers do not reflect the number of accidents like the one Mathis responded to that result in the loss of limbs or other injuries.

LaMar Grafft, associate director of the N.C. Agromedicine Institute at East Carolina University who has worked on farmer safety issues for 20 years, added that "agriculture is the most dangerous occupation in the United States. It is eight times the average of all other occupations." Nationally, about 450 people are lost each year in farming accidents.

Farmers today are working with much more powerful equipment, which is good in a production sense, but adds to the risk factor, Grafft said. "PTO shafts turn at 540 revolutions per minute, or nine times per second. It takes three-fourths of a second for a person to realize when there's



A farm machinery warning sign alerts drivers to equipment in the area.

continued on page 3



From Labor Commissioner Cherie Berry

January starts a new year for all of us. We get to reflect on what happened the past year. Where were we successful? What could we have done differently? Where do we need to spend more effort?

Each spring and early summer, I get to meet many of the men and women whose companies had excellent safety programs the previous year. The department's Safety Award banquets take place throughout the state. I enjoy the chance to say thank you and to give them a small bit of the recognition they deserve.

If you have not participated in our Safety Awards Program, I encourage you to start. (See article on page 6.) Even if your company does not qualify for an award, the process of looking at the information gathered for the application can help you improve your company's safety and health program.

Another part of beginning a new year for us in the Labor Department is looking at fatality data for the incidents that we had the authority to inspect. Fatalities dropped to 41 in 2015, a 9 percent decrease from the 45 that occurred in 2014. The department will continue our outreach and training to help prevent fatalities. These efforts have always been and will continue to be my number one priority as labor commissioner.

Cherie Berry



Nova Development



Cherie Berry

Commissioner of Labor

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Inside this edition:

Posting of Injury and Illness Summary Required	page 3
Reidsville Facility Earns SHARP Status	page 4
Work-Related Fatalities Decline in North Carolina	page 4
The North Carolina Summit on Safety Leadership	page 5
Labor Department Urges Businesses to Apply for Awards	page 6
Deadly Mistakes	page 7
Workplace Worries	page 7
Bulletin Board	page 8

Recognition Roundup

Recognition Roundup identifies businesses that qualify for one of the N.C. Department of Labor's recognition programs. Congratulations to all of the recent award recipients. To view a complete list of all North Carolina Star recipient companies, click [here](#).

To view a complete list of all North Carolina general industry SHARP companies, visit www.nclabor.com/osha/consult/sharp_sites.pdf.



Safety and Health Achievement Recognition Program (SHARP)

- Crown Equipment Corp., *Kinston*
- Cape Fear Public Utility Authority (Groundwater Way), *Wilmington*
- Cape Fear Public Utility Authority (River Road), *Wilmington*
- Clean Harbors Technical Services of the Carolinas, *Reidsville*
- Interstate Foam & Supply Inc. (306 Comfort Drive), *Conover*
- Interstate Foam & Supply Inc. (302 Comfort Drive), *Conover*
- Baltek Inc., *Colfax*
- L. Gordon Iron & Metal Co., *Statesville*
- Mueller Systems, *Cleveland*
- Century Furniture Company LLC (Main Avenue), *Hickory*
- Century Furniture Company LLC (33rd Street), *Hickory*



Carolina Star

- Sonoco Recycling Inc., *Durham Facility, Durham*
- WestRock, *Conover Folding, Conover (recertification)*

Make 2016 Your Safest Year Yet!

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Farm Safety Needs to Be Top Priority

continued from page 1

a problem,” he said. “They have already been pulled around the shaft six times before their brain even recognizes that they are caught.

“When I was a kid we had less powerful equipment and clothes weren’t as good, so it was a frequent occurrence for a farmer to get all his clothes ripped off,” Grafft said. “Now clothes are stronger and equipment more powerful, so now it is more common for it to pull people into the equipment or take off a limb.”

And familiarity tends to lead to complacency when it comes to safety around machinery, Grafft added. “People don’t necessarily have a close call or something that gets their attention before a fatality occurs. The close call may be the time you get killed.”

It all reinforces the need to remain diligent in worker safety training and to stay focused on safe operation of equipment at all times, Cullen said.

Investigators’ Findings

In investigating accidents, Cullen said some of the most common findings are misuse of equipment, failure to properly train workers, failure to provide adequate personal protective equipment, failure to recognize the symptoms of heat stroke or stress, and getting in a hurry and bypassing safety measures such as not using seatbelts on tractors.

Cullen offers the following safety reminders:

- 🔧 Review safety measures regularly and make sure workers are trained on the specific piece of equipment they will be using;
- 🔧 If roll-over protection equipment is present, always use it, including seat belts;
- 🔧 Do not disable safety mechanisms such as dead man’s switches, which will automatically cut off machinery when an operator leaves the machinery seat;
- 🔧 Provide adequate water throughout the day, even at the end of the day;
- 🔧 Make sure portable toilets are available and properly maintained.

Something else farmers may want to consider is adding reflective 911 address signs at the end of roads to help responders find where they are going as quickly as possible in the event of an accident, Mathis said.

When seconds count in terms of response times, navigating remote areas of a field to find an injured worker can present challenges, Mathis said.

“Most operational county communications centers can locate you, but your issue as a first responder or a firefighter is how to drive through the property to get to where an injured person is,” he said. “Timing is everything. If it’s a heart attack or stroke, you have a window of time to get there to help the person.”

Farming accidents and fatalities can have long-reaching effects on families, a consideration that Cullen hopes may help influence more attention to safety.

“In the aftermath, there is sorrow and loss along with the trauma of an accident,” she said. “Everyone talks about the trauma of an accident. People have to pick up and go on after it, and you often underestimate the psychological loss.”

Farmers can find publications outlining safety and inspection requirements at www.nclabor.com/pubs.htm and additional information at www.nclabor.com/ash/ash.htm.

(This article appeared in the December 2015 edition of *Agricultural Review*, Volume 90, No. 12.)

Posting of Injury and Illness Summary Required

Employers must post OSHA Form 300A: Summary of Work-related Injuries and Illnesses

By Neal O’Briant

Public Information Officer

Employers are reminded that they must post a summary of work-related injuries and illnesses that occurred in 2015. The N.C. Department of Labor requires the summary be posted from Feb. 1 through April 30.

Many employers must keep a *Log of Work-Related Injuries and Illnesses* (Form 300) to record work-related fatalities, injuries and illnesses. The *Summary of Work-Related Injuries and Illnesses* (Form 300A) is compiled from the data on the log. Companies without any injuries and illnesses should post the summary with zeroes on the total lines. A company executive must certify that they have examined the OSHA 300 Log and that they reasonably believe that the annual summary is correct and complete.

“This posting requirement is an important way employers keep their employees informed about safety and health conditions in the workplace,” said Wanda Lagoe, bureau chief of the Education, Training and Technical Assistance Bureau.

Companies that had 10 or fewer employees at all times during the previous calendar year are exempt from keeping injury and illness logs and posting summaries. Certain businesses classified in specific low-hazard industry classifications are also exempt from keeping injury and illness logs and posting summaries unless requested to do so for survey purposes. The list of exempt industries changed effective Jan. 1, 2015.

For more information about recording criteria or for a list of exempt industries, contact the Education, Training and Technical Assistance Bureau at 1-800-625-2267 or locally at 919-807-2875. To download a free copy of the OSHA 300, OSHA 300A or OSHA 301, as well as recordkeeping instructions, visit our website at www.nclabor.com, click on the *Publications* tab, then click on the *Forms* link. The list of exempt industries is also available at www.osha.gov/recordkeeping/ppt1/RK1exempttable.html.

Reidsville Facility Earns SHARP Status

By Abigail Newton, Industrial Hygiene Consultant

The N.C. Department of Labor recently certified Clean Harbors Technical Services of the Carolinas in Reidsville as a participant in the Safety and Health Achievement Recognition Program (SHARP). The program recognizes companies for a commitment to the safety and health of their employees.

Labor Commissioner Cherie Berry presented company officials with the SHARP flag and certificate at a ceremony at its Reidsville facility on Friday, Jan. 15.

“Your dedication to safety is an example for everyone,” Commissioner Berry said. “Clean Harbors has become one of a select few participants across North Carolina in the Safety and Health Achievement Recognition Program. Everyone at Clean Harbors should be proud of this accomplishment.”

The SHARP Award is designed for small to mid-size businesses. Companies that qualify for the award show that they have developed and maintained good safety programs for workers. To qualify for the program, injury and illness rates for the site must be below the national average for the industry, and NCDOL safety and health consultants must complete an assessment of the workplace. There are 160 general industry sites in the program throughout North Carolina.

Headquartered in Norwell, Massachusetts, Clean Harbors maintains an industry leading portfolio of waste disposal and solvent recycling facilities and service locations throughout the United States and Canada, as well as Mexico and Puerto Rico. The company is organized into four business units: Technical Services, Industrial and Field Services, Safety-Kleen, and Oil and Gas Field Services. Clean Harbors Technical Services of the Carolinas is the first Technical Services organization in Clean Harbors to receive the SHARP designation.

Clean Harbors Technical Services in Reidsville provides a broad range of hazardous material management and disposal services including the collection, packaging, transportation, recycling, treatment and disposal of hazardous and non-hazardous waste. Clean Harbors Technical Services sister site in Reidsville, Clean Harbors Environmental Services, is currently a Carolina Star Facility.

“After hard work and great effort from the Clean Harbors Technical Services team of the Carolinas, we can finally say we accomplished the first hurdle on our way to become a Star facility,” said Todd Sheaffer, general manager.



Employees of Clean Harbors Technical Services celebrate their recent Safety and Health Achievement Recognition Program (SHARP) designation along with NCDOL employees.

Work-Related Fatalities Decline in North Carolina

By Dolores Quesenberry
Communications Director

Preliminary figures released in January by the state Department of Labor show a decline in work-related fatalities in 2015. The Department of Labor tracks work-related fatalities that fall within its jurisdictional authority to conduct inspections. Fatalities declined from 45 in 2014 to 41 in 2015.

The state figures exclude traffic accidents, which account for nearly half of all work-related deaths, as well as homicides and suicides that are investigated by law enforcement agencies, and fatalities investigated by federal OSHA and other exemptions in which the department does not have the authority to investigate such as on farms with 10 or fewer employees.

The federal figures, compiled by the U.S. Bureau of Labor Statistics with the cooperation of NCDOL, include all work-related fatalities. There were 128 fatalities in 2014, including 46 in traffic accidents and 16 from violent acts for which the department does not have the jurisdictional authority to conduct inspections. The federal figures for 2014, the latest figures available, can be found on the BLS website at www.bls.gov/regions/southeast/news-release/fatalworkinjuries_northcarolina.htm. BLS will provide preliminary fatality figures for 2015 in October of this year.

“There are many reasons why the department tracks only those work-related deaths within its jurisdictional authority,” Labor Commissioner Cherie Berry said. “The department’s figures can be broken down by county and are timely, whereas the federal workplace fatality figures are reported in aggregate form and cannot be broken down by county. The federal figures are also nearly a year behind and are out of date when we receive them. It is very important to follow workplace accidents as they are happening in real time to prevent similar deaths in other parts of the state. By tracking in real time, the department can also notify particular industries of any concerning patterns or trends identified or place additional emphasis through education and training in certain counties or regions where deaths are happening. We have to know where to focus our resources.”

continued on page 5

Work-Related Fatalities Decline in North Carolina

continued from page 4

The Labor Department's OSH Division provides a mix of consultative services, compliance, and education and training free of charge to employers and employees across the state to help prevent injuries, illnesses and fatalities in North Carolina workplaces. The division also partners with businesses and organizations that represent some of the most hazardous industries through partnerships and alliances.

The construction industry continues to be the most hazardous industry in the state. The industry suffered 12 work-related fatalities in 2015, which was seven fewer than the 19 that occurred in 2014.

"Again, one death is too many, but the decline is encouraging, particularly in construction where we experienced a spike in 2014," Commissioner Berry said. "The department will continue its alliances with Carolinas AGC and other organizations to maximize its reach in the commercial construction industry, which suffered all 12 work-related fatalities in the construction industry in 2015."

Falls from elevations accounted for the most work-related deaths with 13. Struck-by events were a close second with 12 deaths. Five workers died after being caught in/between objects. Four workers were electrocuted. Two workers died from possible asphyxiation. Five workers died in other events.

"Every work-related death in North Carolina, including those on the federal report outside of the department's authority, is tragic and has an effect on co-workers, families and communities," Commissioner Berry said. "The department will continue our outreach and training to help prevent fatalities. These efforts have always been and will continue to be my number one priority as labor commissioner."

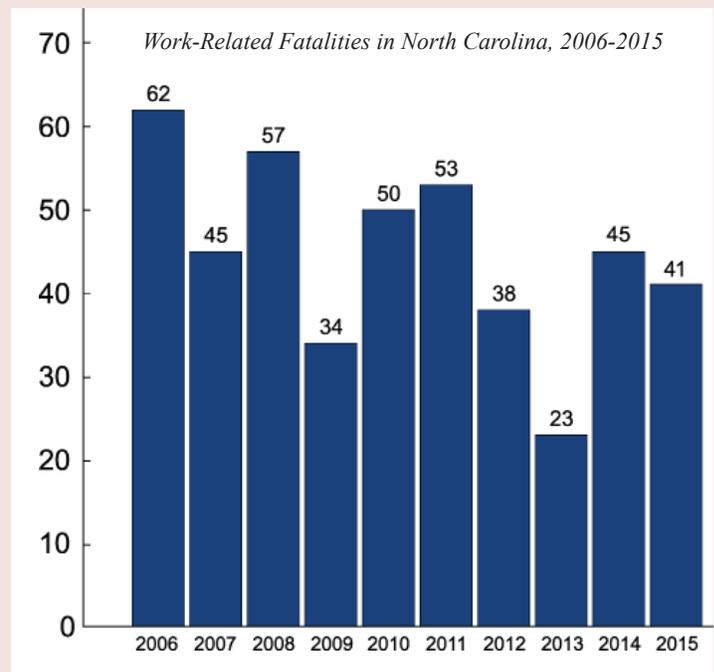
The state's injury and illness rate for private industry remained at its record low of 2.7 per 100 full-time workers for 2014, the most recent data available. The U.S. Bureau of Labor Statistics compiles the injury and illness rate data. North Carolina was one of 14 states and the District of Columbia with a rate statistically lower than the national average of 3.2.

Manufacturing had the second highest number of work-related deaths with 11, two more than the previous year. Agriculture, forestry and fishing increased from four fatalities in 2014 to seven in 2015. The services industry decreased from six work-related fatalities to four.

The number of fatalities in retail trade increased to three compared to none the previous year. There were two fatalities of government employees, the same as in 2014. The transportation and public utility industry saw a decrease from four fatalities in 2014 to one in 2015. Wholesale trade experienced one fatality, also the same as in 2014. Finance, insurance and real estate decreased from one to none.

There were no work-related fatalities in 77 of North Carolina's 100 counties. Wake County led with seven fatalities. Mecklenburg County, Onslow County and Wayne County experienced three each. Cumberland, Forsyth, Gaston, Madison, New Hanover and Wilkes experienced two fatalities each. There were 13 counties that experienced one fatality apiece.

Whites accounted for 25 of the 41 work-related fatalities. Blacks accounted for four, and Hispanics for 11. One victim was Asian. Men accounted for all 41 of the deaths.



The North Carolina Summit on Safety Leadership

The first North Carolina Summit on Safety Leadership will be held, March 2-4, 2016, at the North Carolina Zoo in Asheboro. There is also an early bird session scheduled on the afternoon of March 1. Sponsors of the Summit on Safety Leadership are the N.C. Department of Labor, the Safety and Health Council of North Carolina, N.C. State University—Industry Expansion Solutions, and N.C. Zoo.

The Summit on Safety Leadership is a conference on the essentials of creating a lasting culture of safety in any organization. Expert presenters will share practical and proven guidance, techniques, case studies, and experiences to assist attendees in moving their organization on the journey to safety excellence. In short, the summit will provide the attendees with both information and inspiration to keep their employees safe. This event is part of the 20th anniversary of the Manager of Environmental Safety and Health (MESH) Program.

Safety and environmental managers, Manager of Environmental Safety and Health (MESH) graduates, and any employees involved in safety in their workplaces will benefit from attending the summit. Plus, the summit will cover topics that will be of use to general industry, construction, public sector and nonprofit employees.

To get more information on the North Carolina Summit on Safety Leadership and to register, visit the Safety and Health Council of North Carolina's website at www.safetync.org or call 704-644-4220 or 919-719-9818.

Labor Department Urges Businesses to Apply for Safety Awards

By Dolores Quesenberry
Communications Director

The N.C. Department of Labor is now accepting applications from businesses that qualify for a workplace safety award. Safety awards are given to companies that have above-average worker safety and health programs.

“A safety award shows employees and the community that you are committed to a safe work environment,” state Labor Commissioner Cherie Berry said. “A good safety record is something to be proud of, and businesses deserve to be recognized for their efforts.”

Businesses that qualify for the award must meet two requirements. They must be free of fatalities at the site for which they are applying. The site’s injury and illness rate also must be at least 50 percent below that of their industry’s average rate.

Award recipients will be honored in their communities throughout the state at safety awards banquets co-sponsored by the N.C. Department of Labor and local chambers of commerce and other organizations.

For more information on the Safety Awards Program or to download an application, go to the NCDOL website, www.nclabor.com/osha/etta/safety_programs/safety_award.htm. The deadline for submissions is Feb. 12.



Eastern Carolina Safety and Health School

April 14-15

New Bern

www.ecshs.com



Charlotte Regional Safety and Health Conference

April 21-22

Gastonia

www.charlottesafetyschool.com



Nova Development

DEADLY Mistakes

By Steve Sykes
State Plan Coordinator

Fatal Event: On Nov. 28, 2014, a 46-year-old golf course maintenance equipment operator drowned after driving a bunker rake into a pond.

Investigative Findings: The victim had been assigned the task of raking sand traps on a golf course using a piece of equipment called a bunker rake. The bunker rake looks similar to a riding lawn mower with a standard car-like steering wheel. A witness called for help as she saw the victim struggling in the water. When help arrived, the victim had already been submerged in the knee deep water for approximately 10 minutes, and he could not be revived.

The pond where the victim and equipment came to rest were about 3 feet from the fifth green where the sand trap was previously being raked. The area around the sand trap and pond was flat with no slope. It was not apparent, and the investigation did not determine, why the victim drove the bunker rake from the sand trap into the pond, where it came to rest in less than 4 feet of water.

The investigation determined that the equipment was in good working order. A checklist was used to document a daily inspection of the equipment, and the victim had been trained in the use of the bunker rake. The inspector did not discover any hazards associated with the fatal event or specific medical conditions that might have contributed to the accident. However, the equipment operator's ability to survive the accident may have been affected by the heavy winter clothing he was wearing at the time of the accident, and the fact that the victim could not swim.

Discussion: The N.C. Department of Labor's OSH Division investigates all work-related fatalities under its jurisdiction. On-the-job deaths that can be attributed to natural causes, however, are not inspected. Because of the

circumstances of this death, the possibility of death by natural causes such as heart attack had to be considered. A review of the medical examiner's report did not indicate any medical condition that might have contributed to the death.

After natural causes were ruled out, an inspection was initiated. It is the goal of the OSH Division to begin a fatality inspection within one working day of notification of a fatality. Once on site, the investigator must try to determine the cause of the accident and to identify any hazards that may have impacted the fatal event. If hazards are present and there are violations of safety and health standards, citations will be issued. The inspection will require on-site activity including the collection of physical evidence and interviews of employees, employers, and anyone who may have witnessed the accident. Sometimes inspections do not determine the cause of an accident or identify any hazards at an accident site. In this case, no citations are issued.

Observations:

- ☠ All work related deaths must be reported within eight hours to the OSH Division.
- ☠ Fatal heart attacks and those requiring hospitalization must also be reported, with the OSH Division determining if an investigation is warranted based on the circumstances of the death.
- ☠ In the last 10 years, there have been three workplace deaths on golf courses. These fatalities were associated with equipment operation and debris removal after bad weather. Employers in the golfing industry should prepare a safety and health program that addresses hazards associated with operating golf course maintenance equipment and landscaping activity. This can include tree and debris removal.



By Christine Ryan, Administrator
Wage and Hour Bureau

Q: I was looking through my employee handbook today, and I saw a section that states, "Employees are required to provide at least a two-week notice in writing to Employer prior to terminating their employment. If an employee fails to provide a two-week notice in writing to Employer, the non-overtime wage of the Employee will be reduced to minimum wage for the final paycheck." Can my employer do that?

A: Yes. The North Carolina Wage and Hour Act requires that employers provide at least 24-hour written notice prior to a reduction in wages (N.C. Gen. Stat. 95-25.13(3)). It is permissible for an employer to notify employees in advance that their final paycheck might be reduced if they do not comply with certain requirements regarding termination notice. It would not be permissible for an employer to reduce an employee's wage without advance notice.



Nova Development



Bulletin Board

Mine and Quarry Training

Part 46 New Miner Training

Feb. 2, Winston-Salem
Feb. 29-March 2, Stanley
March 21-23, Wake Forest

Part 46 Annual Refresher Training

Feb. 4, Winston-Salem
March 3, Stanley
March 24, Wake Forest

New Miner Training

March 21-23, Wake Forest

First Aid Training

Feb. 3, Winston-Salem

To register for any of these classes,
call the Mine and Quarry Bureau at 919-807-2790.

N.C. Mine Safety and Health Conference

March 30-April 1, Sunset Beach

Click [here](#) for more information.

30-Hour Construction Industry Awareness Course

Feb. 29-March 4, Cary

This course is designed to help employers understand OSH regulatory requirements and also ensure employers and employees understand the requirements necessary in providing an acceptable safety and health program for the workplace. This course will provide a comprehensive overview of the construction industry safety and health standards, 29 CFR 1926. Click [here](#) for more information.

1-800-NC-LABOR
www.nclabor.com

10-Hour Construction Industry Awareness Course

Feb. 29-March 1, Cary

Click [here](#) for more information.

March 1-2, Nags Head

Click [here](#) for more information.

This course is designed to help employers understand OSH regulatory requirements and also ensure employers and employees understand the requirements necessary in providing an acceptable safety and health program for the workplace. This course will provide a basic overview of the construction industry safety and health standards, 29 CFR 1926.

10-Hour General Industry Awareness Course

March 14-15, Nags Head

Click [here](#) for more information.

This course is designed to help employers understand OSH regulatory requirements and also ensure employers and employees understand the requirements necessary in providing an acceptable safety and health program for the workplace. This course will provide a basic overview of the general industry safety and health standards, 29 CFR 1910. Click [here](#) for more information.

Complying With OSHA Construction Industry Standards—Beginners Level

April 20-21, Raleigh

This two-day course has been designed for new environmental, health and safety (EHS) professionals who are responsible for safety and health at their organization. The course covers construction industry standards, state-specific standards for the construction industry and the recordkeeping standards. Click [here](#) for more information.

