



North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101
(919) 707-7806

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that:

- Rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC 07F .0101, to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1910 promulgated as of December 17, 2019, except as specifically described, and
- The *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically adopts subsequent amendments to certain parts of the *Code of Federal Regulations*. Title 29, Part 1910—General Industry Standards does not automatically include subsequent amendments.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, CFR amendments to § 1910.23 – Ladders; 1910.25 – Stairways; 1910.27 – Scaffolds and Rope Descent Systems; 1910.29 – Fall Protection Systems and Falling Object Protection – Criteria and Practices; 1910.140 – Personal Fall Protection Systems; and 1910.269 – Electric Power Generation, Transmission, and Distribution (84 FR 68794, December 17, 2019) to include corrections to these standards.

The final rule was published in the Federal Register on December 17, 2019 (84 FR 68794). The final rule makes corrections to several 1910 standards. 29 CFR 1910.23(d)(4) is corrected to state that 42 inches is the minimum, not the exact, measurement for fixed ladder side rail extensions. 29 CFR 1910.25(a) is corrected to state that articulated stairs are not covered by the current standard and Figure D-8 is corrected to add a title. 29 CFR 1910.27(b)(1)(i) is corrected to show the correct metric equivalent to 5000 pounds (2268 kg). Figure D-11 in 29 CFR 1910.29 is corrected to add the labels for “top rail” and “end post.” 29 CFR 1910.140(c)(8) is corrected to ensure the gate strength provision is consistent with the national consensus standard. Finally, 29 CFR 1910.269(h)(2) is corrected to reference 29 CFR 1910.23(c)(4) and (9). OSHA’s final rule and corrections to the standards was effective December 17, 2019.

For additional information, please contact:

Bureau of Education, Training and Technical Assistance
Occupational Safety and Health Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

For additional information regarding North Carolina’s process of adopting federal OSHA Standards verbatim, please contact:

Jill F. Cramer, Agency Rulemaking Coordinator
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Legal Affairs Division
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

Summary of Verbatim Adoptions
Effective April 10, 2020

Occupational Safety and Health Standards

This certification is made in accordance with N.C.G.S. 150B-19.1(g)(1).

The final rule was published in the Federal Register on December 17, 2019 (84 FR 68794). The final rule makes corrections to several 1910 standards. 29 CFR 1910.23(d)(4) is corrected to state that 42 inches is the minimum, not the exact, measurement for fixed ladder side rail extensions. 29 CFR 1910.25(a) is corrected to state that articulated stairs are not covered by the current standard and Figure D-8 is corrected to add a title. 29 CFR 1910.27(b)(1)(i) is corrected to show the correct metric equivalent to 5000 pounds (2268 kg). Figure D-11 in 29 CFR 1910.29 is corrected to add the labels for “top rail” and “end post.” 29 CFR 1910.140(c)(8) is corrected to ensure the gate strength provision is consistent with the national consensus standard. Finally, 29 CFR 1910.269(h)(2) is corrected to reference 29 CFR 1910.23(c)(4) and (9). OSHA’s final rule and corrections to the standards was effective December 17, 2019.

The attached amendment of 13 NCAC 07F .0101 is required by 29 CFR 1902.4(a) and G.S. 95-131(a) in order for North Carolina’s Occupational Safety and Health program to be as effective as the federal program and to maintain North Carolina’s state plan status under the federal Occupational Safety and Health Act of 1970. This rule was adopted in accordance with 150B-21.5(c). Pursuant to the provisions of G.S. 150B-21.3(e), **the effective date of this action is April 10, 2020.**