Syngenta Receives 21 Million-Hour Safety Award

By John Mallow, Public Information Officer

Labor Commissioner Josh Dobson visited Syngenta North America Crop Protection in Greensboro on Tuesday, May 17, to present employees and management with a 21 Million-Hour award. Million-Hour safety awards are given to businesses which accumulate one million employee hours with no injuries or illnesses involving days away from work.

“It’s certainly an honor to be here today to congratulate Syngenta for this amazing achievement,” Commissioner Dobson said. “The level of commitment and dedication shown by the men and women who work here sets the standard for workplace safety that all employers and employees across the state should strive for.”

Syngenta began working toward this extraordinary milestone on May 13, 2009 and reached the 21 million-hour mark on Nov. 30, 2021. Syngenta also received their 36th consecutive gold award at the Greensboro Safety Awards Banquet in April and are certified as a Carolina Star site.

Syngenta is a leading agriculture company helping to improve global food security by enabling millions of farmers to make better use of available resources. Syngenta employs 28,000 people in over 90 countries and works to transform how crops are grown, by utilizing world class science and innovative crop solutions. They are committed to rescuing land from degradation, enhancing biodiversity and revitalizing rural communities.

To learn more visit syngenta.com and goodgrowthplan.com.
From Labor Commissioner
Josh Dobson

On May 1, William Gerringer, chief of our Mine and Quarry Bureau, retired from NCDOL after nearly 24 years of service to the state. William leaves big shoes to fill, as he was a dedicated manager who successfully led the bureau through some of its toughest years. While William will be greatly missed by our staff and the mining industry, I am pleased to report that James “Beau” Thomas was named the new Mine and Quarry Bureau chief on May 12. Beau has extensive experience in the safety and health field, as well as the mining industry, and he has worked in the Mine and Quarry Bureau since 2015. Congratulations, Beau, on your new position!

NCDOL’s Safety Awards program recognizes employers who have achieved certain safety and health milestones. Each year, more than 2,000 employers across the state apply for and receive these awards. All of these awards are significant, but some deserve special recognition. Syngenta Crop Protection in Greensboro has achieved one of those standout safety records, and I was pleased to visit their site in May to personally present their leadership and safety team with the 21 million-hour award. Read the story on Page 1 to learn more about the company, the significance of this award and our long-time partnership.

The primary mission of my department is to ensure the safety and welfare of our state’s workers. On April 28, the nation marked Workers’ Memorial Day as a time to remember and honor people who lost their lives while on the job. I was thankful to participate in a joint event with the AFL-CIO which served as an opportunity to remember these individuals and further our commitment to strengthening workplace safety in North Carolina. For more information, please read the statement on Page 4.

Summertime is here, and with it comes heat and humidity. Whether you’re outside for work or for play, please remember to be aware of symptoms related to heat illness. Stay hydrated, wear lightweight, breathable clothing and take plenty of rest breaks. Our Occupational Safety and Health Division offers numerous heat illness prevention resources, including training and educational material, hazard alerts and guidance documents. Please visit our website, labor.nc.gov/safety_and_health, for more information.

Have a wonderful start to your summer!

Josh Dobson
Commissioner of Labor

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. For a complete list of Star and SHARP sites, visit the NCDOL website.

Carolina Star *Recertification
Honeywell International Inc., Rocky Mount*

SHARP *Recertification
Amano Pioneer Eclipse Corp., Sparta*
APC Inc., Selma*
Aplix Inc., Charlotte*
Automated Solutions LLC, Sawmills*
C&H Tooling Inc., Candler*
Cormetech Inc., Steele Creek Facility, Charlotte*
Independent Beverage Co. LLC, Charlotte*
Metal Recycling Services LLC, Gastonia*
Milko Inc., Asheville*
Poteet Printing Systems LLC, Charlotte
Sonoco Recycling LLC, Fayetteville*
Town of Mooresville Fire Station No. 1, Mooresville*
Town of Mooresville Fire Station No. 2, Mooresville*
Town of Mooresville Fire Station No. 3, Mooresville*
Town of Mooresville Fire Station No. 4, Mooresville*
Town of Mooresville Fire Station No. 5, Mooresville*
UMRH Inc., dba Cypress Glen Retirement Community, Greenville*
Watauga Opportunities Inc., Boone*

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Special Star Team Member Training

By LaMont Smith, Recognition Program Manager

The N.C. Department of Labor (NCDOL) Carolina Star Program conducted its 14th Annual Special Star Team Member (SSTM) Training on March 15-17 in Raleigh. Another training session was held on March 23-25 in Greensboro.

The SSTM Program is designed for participants associated with the Carolina Star Program. The program is North Carolina’s version of the Occupational Safety and Health Administration’s Special Government Employee (SGE) Program. SSTM Program participants work together in partnership with Star Program staff while conducting comprehensive worksite safety and health evaluations.

This volunteer program benefits the NCDOL Carolina Star Program by supplementing its worksite Star evaluation teams. In addition, the SSTM Program allows industry, SSTM participants and the NCDOL the opportunity to collaborate and share best safety practices.

Since the inception of the SSTM Program in 2009, over 300 participants have been trained. The 2022 class included two initial SSTM training classes and two SSTM recertification training classes. A total of 18 participants received initial training, while 13 participants were recertified as SSTMs. The SSTM training class curriculum continues to evolve and primarily focuses its training efforts on evaluating safety and health management systems, hazard recognition and the Star Program worksite evaluation process.

As the Carolina Star Program continues to grow, maintaining a high standard of excellence will remain the goal. Therefore, continued growth of the SSTM Program is essential to the future success of the Carolina Star Program.
Messer Construction Awarded Building Star in Cabarrus County

By John Mallow, Public Information Officer

On Tuesday, April 12, N.C. Department of Labor (NCDOL) Commissioner Josh Dobson presented Messer Construction Co. with a Building Star award at the Cabarrus County Courthouse worksite in Concord. Cabarrus County contracted Messer to complete a renovation and expansion to the courthouse, and this is the initial Building Star award presented to Messer’s Charlotte region.

“I’d like to congratulate Messer Construction Co. for achieving Building Star certification. It’s always significant when a business reaches that milestone for the first time,” Labor Commissioner Dobson said. “For a business to go above and beyond to meet these tough requirements, it shows Messer’s deep commitment to creating and maintaining a safe workplace for their employees.”

Messer is committed to creating and maintaining a “Zero Injury Culture,” which focuses on ensuring each worker’s safety and the safety of those around them. The Messer 5S Program—which stands for Sort, Straighten, Shine, Standardize and Sustain—is a main component of Messer’s Zero Injury Culture, and seeks to eliminate slip, trip and fall hazards related to housekeeping around the jobsite.

“We believe no job, task or schedule is more important than the health and safety of people on or near our jobsites, and we are committed to returning every person home to their families every day,” Messer Senior Safety Manager Paul Garbon said. “Enough cannot be said about the cleanliness and safe working conditions on our Cabarrus County Courthouse project and throughout Messer’s projects in Charlotte. Thank you to our project leadership, to our craftforce and to all of our subcontractor partners for embracing our safety values every day.”

Approximately 175-200 workers are on the site, representing approximately 20 different subcontractors working for Messer. The worksites evaluated during the certification have a Total Recordable Case rate 76% below the industry average, and a Days Away, Restricted or Transferred Case rate 63% below the industry national average.

For four consecutive years, Messer has been recognized by the Associated Builders and Contractors of the Carolinas as a STEP Diamond contractor (the association’s highest level for safety performance). Additionally, Messer won Associated General Contractors’ national Construction Safety Excellence Award in 2021 in the Building Division (over 850,000 work hours).

The Building Star Program is created solely for the construction industry. It recognizes construction worksites and/or companies (including general contractors and subcontractors) that have Carolina Star quality safety and health programs but require demonstration of approaches and procedures that differ from current Carolina Star requirements. Building Star participants are proactive and partner with the NCDOL’s Occupational Safety and Health Division in an effort to prevent fatalities, injuries and illnesses through a system focused on management commitment and leadership, employee involvement and participation, hazard identification and evaluation, hazard prevention and control and safety and health training.

More information about the NCDOL’s Carolina Building Star Program is available by calling 919-707-7852 or emailing LaMont Smith, Carolina Star’s recognition program manager, at lamont.smith@labor.nc.gov.

Workers’ Memorial Day Statement

Labor Commissioner Josh Dobson and MaryBe McMillan, President, North Carolina State AFL-CIO released the following statement regarding Workers’ Memorial Day 2022:

Workers’ Memorial Day is a time to remember and honor the men and women who have tragically lost their lives while on the job. The loss of a worker impacts not only those co-workers left behind, but families, friends, and the community as a whole. The N.C. Department of Labor (NCDOL) and the N.C. State AFL-CIO share a common commitment to ensuring safe and productive workplaces, with the ultimate goal of returning workers home to their families at the end of the day. We believe that every person deserves the opportunity to earn a living while working in a job that values their worth and their humanity.

“April 28 also marks the anniversary of the passage of the Occupational Safety and Health Act, which represented a tremendous step forward in workplace safety and health. Though workplaces are much safer than in the past, we agree that more work is necessary. The NCDOL and the N.C. State AFL-CIO pledge to work together to effectuate the following safety and health goals:

• Request funds from the N.C. General Assembly to increase compensation for Safety and Health Compliance Officers.
• Take additional steps to fill vacant Safety and Health Compliance Officer positions and increase the number of total positions.
• Include a bilingual preference on job postings for Occupational Safety and Health, Agricultural Safety and Health, and Wage and Hour Bureau positions.
• Amend the Occupational Safety and Health Act to extend the current six-month statute of limitation on issuing citations.
• Amend the Occupational Safety and Health Act to align North Carolina’s civil penalties with federal OSHA’s penalty structure.
• Increase transparency by publishing NCDOL activities and statistics on a more frequent basis.
• Continue our commitment to open dialogue between NCDOL and worker advocacy organizations.

“All working people have the right to a safe job. No family deserves to suffer the grief of a loved one lost prematurely while working for a better life. NCDOL and the N.C. State AFL-CIO are able to work much more effectively as partners rather than as adversaries. This is the least we can do to honor North Carolinians who have died on the job and to proactively prevent workplace injuries and fatalities in the future.”
Bureau Chief Explains the Benefits of NCDOL’s Consultative Services

By John Mallow, Public Information Officer

When it comes to operating a small business, owners may feel overwhelmed by the responsibility, and may also lack the knowledge required to develop and implement a workplace safety plan. Fortunately for entrepreneurs in our state, the N.C. Department of Labor (NCDOL) offers free resources to businesses which allow them to identify and address potential safety hazards, all without the threat of incurring citations, penalties or fines.

“The employers receive our services at no cost, and we issue no citations or financial penalties,” Consultative Services Bureau Chief Kevin O’Barr said.

The NCDOL’s Consultative Services Bureau, a branch of the Occupational Safety and Health division, provides these resources to employers in both the public and private sectors. In the private sector, consultation is limited to employers who have 500 or fewer employees nationwide. In the public sector, priority is given to smaller municipal, county and state agencies.

“Our funding is targeted toward smaller businesses, and maybe the employer doesn’t have a full-time safety and health person on staff,” O’Barr said. “We are able to provide that service—a fresh set of eyes—and help them with their written programs and help them look in their workplace for physical hazards they might otherwise overlook.”

Prior to any consultation, the employer must promise to correct all hazards identified during the visit under the agreement with the Consultative Services Bureau.

“The only obligation the employer has is to repair the serious hazards that we identify. That’s really why they’re calling us out in the first place—to help identify those hazards so they can get rid of them,” O’Barr said.

Employers may submit a request online for an onsite consultation by visiting the NCDOL website and submitting a request form. An employer may also print the form and fax or mail it to the department. An onsite consultation includes an initial conference with management officials, a walk-around assessment to identify safety and health hazards and a review of current work practices. Eliminating these hazards may also help an employer save money.

“Injuries to small employers are very expensive,” O’Barr said. “If they have fewer injuries and fewer workers’ comp claims, their workers’ comp insurance rate goes down, and then you’re talking actual money—tangible savings in their bottom line.”

During the assessment, the consultant may conduct health and/or safety surveys that concentrate on issues including air contaminants, proper ventilation, hazardous chemicals and hazard communication. A report detailing findings, recommendations, agreements and ways to improve the site’s safety and health management program is prepared and forwarded to the employer.

Consultative Services offers a risk-free, no-cost opportunity for employers at small businesses to utilize the knowledge of workplace safety and health professionals. The goal of the bureau is to allow employers to focus on developing safe and effective work practices all without the worry of facing costly fines.

“We can help them get in compliance with the rules, but more importantly we are hoping to eliminate hazards from the jobsite and help prevent illness and injury to employees,” O’Barr said.

To submit a request form online, visit Request for Free Safety and Health Consultation. You may also print the request form and send it to our office by email, mail or fax. For additional information, please call us at 919-707-7846 to discuss what service would be most useful to your business.

Inside NC Labor

Be sure to check out NCDOL’s podcast, Inside NC Labor. Episode 51 features Kevin O’Barr, consultative services bureau chief, as he discusses on-site consultation and other services for employers offered by the N.C. Department of Labor’s Consultative Services Bureau.

In addition to NCDOL’s website, Inside NC Labor is available on YouTube, Spotify, Apple Podcasts, Anchor and Google Podcasts. Inside NC Labor is designed to inform and educate North Carolina citizens on the role that the Department of Labor plays in state government.

Register today for your FREE subscription!

www.labor.nc.gov/news/labor-ledger
The Quartz Corp. Hosts NCDOL Representatives in Yancey County

By John Mallow, Public Information Officer

On Friday, April 8, The Quartz Corp. (TQC) hosted N.C. Department of Labor (NCDOL) Commissioner Josh Dobson and Mine and Quarry Bureau Chief William Gerringer for a site tour of their newly renovated mining logistics facility located in Yancey County. The tour highlighted the upgrades to the facility that enhance safety technology and ensure safer working conditions.

Gerringer was also recognized at the event for his 23 ½ years of service to the NCDOL and to congratulate him on his upcoming retirement. He began his career with the department in 1998 and has served the residents of North Carolina with loyalty and dedication.

“As a proud native of Western North Carolina, it’s always exciting to see industries thrive in this region. I commend The Quartz Corporation for their continued investment in the local economy and especially for their commitment to worker safety,” Labor Commissioner Dobson said. “I also want to say a heartfelt thank you to William Gerringer for nearly 24 years of loyal service to this great state and for his tireless efforts to improve workplace safety and health for mine and quarry workers.”

Commissioner Dobson and Bureau Chief Gerringer were accompanied by NCDOL Mine Safety and Health Representative Beau Thomas and Yancey County Economic Development Director Jamie McMahans for the tour of the facility. During the visit, TQC Operations and Engineering Manager, Chris Gentry, discussed the mission at TQC is to provide the industries of tomorrow an ultra-pure raw material directly supporting the creation of renewable energy and innovative technologies. Visits such as these signal continued growth in Western North Carolina.

“Our continued growth is possible because of the amazing community we live in and bright people we work with. We rely on each other for knowledge, inspiration, laughter and support. The Quartz Corp. is making a global impact from a local Carolina zip code,” Gentry said. “It was an honor for us to have Commissioner Dobson tour TQC Micaville.”

Located 11 miles west of existing worksites in Spruce Pine, TQC is proud to extend its footprint beyond Mitchell County and contribute to the local community in Burnsville. TQC is a key supplier of high purity quartz sand for the solar, semiconductor and fiber optic markets. The company’s quartz is sourced from Spruce Pine where the unique geology offers the world’s highest purity quartz deposits.

For more information about high purity quartz, feldspar and mica visit thequartzcorp.com.

Retaliatory Rights

Q: I work in a collision center, and I am one of two employees who paint the cars after repairs with a paint gun. My co-worker is the son of the owner. We work in a separate building from the other employees. After about a month on the job, the ventilation in the building stopped working, and I started to get headaches from the paint fumes. I talked with my supervisor, and she said she would take care of it, but weeks went by without any change. My headaches got worse. I finally called the Occupational Safety and Health (OSH) Division helpline and made a complaint about the headaches I was having because of the poor ventilation in the painting building. I was worried about losing my job, but they said they would not tell the employer who made the complaint. After an inspection and within a few days of my employer being cited by the OSH Division, I was terminated.

A: You filed a complaint with the OSH Division because the ventilation in the building where you worked stopped working and you experienced a severe health reaction. You are protected from retaliation under the Retaliatory Employment Discrimination Act for this complaint if the employer knew that you filed it and then terminated you because of it. In this situation, you were one of only two employees in the painting building, so there was a 50% chance it was you. Because you had complained to your supervisor about the exact same thing you told the OSH Division, it can be inferred that your employer knew that you had made the complaint. It is also unlikely that his son would have filed the complaint. The fact that there was a very short period of time between the receipt of the citation and your termination suggests that you were, most likely, terminated for that complaint. You can call the Retaliatory Employment Discrimination Bureau at 919-707-7941 for a complaint form.

Workplace Worries

Q: My employer offers two weeks of vacation each year, but she states that we can only take the vacation time during July 4th week and the week of Christmas. Is she allowed to do this?

A: Yes, the employer can tell an employee when they must use their vacation. Vacation is considered a promised benefit. Employers are not required to provide a vacation pay plan—however, if the employer provides this benefit, they shall give vacation time off in accordance with the policy or practice. All vacation policies must be in writing. The policy must note how and when vacation is earned, whether it can be forwarded from one year to the next and if so, in what amount, when vacation time must be taken, if vacation time can be paid in lieu of time off and under what conditions vacation pay will be forfeited upon discontinuation of employment.

By Kisha Holmes, Administrator, Wage and Hour Bureau
The employer did not utilize an acclimatization program for the H2A migrant farm workers when they arrived at the farm, nor did he develop or implement an effective heat stress prevention program.

Employees should be informed about the effects of heat stress, how to recognize heat-related symptoms and how to prevent heat-related illnesses. The employer did not adequately implement a work/rest regimen and did not inform employees about causal factors of heat illness susceptibility. Although the employer stated that he monitored the weather conditions, he did not inform the employees about heat advisories or take steps to minimize the workers’ exposure to the hottest parts of the day. Adequate supplies of drinking water were provided, but the employees could not access the water until they reached the end of the rows, which took approximately 30 minutes. Employees need to be able to access water whenever they need it.

The employer did not establish or implement a reporting process, first aid procedures and emergency response procedures for employees exhibiting signs and symptoms of heat-related illnesses. The employees did not call 911 directly. They called a supervisor to come to the site, who in turn called 911. This caused a delay in getting the employee medical help.

**Discussion:** Heat weather can cause health problems if the body’s mechanisms for cooling are interrupted. The body perspires so the sweat can evaporate and cool the body. If a person is dehydrated, their body is not able to produce sweat. Similarly, if the outside air is humid, the sweat cannot evaporate; it sits on the skin and increases the body’s temperature. In either instance, heat exhaustion or heat stroke can occur. Heat exhaustion and heat stress symptoms include dizziness, headaches, cramps, nausea/vomiting, weakness, confusion and eventually unconsciousness. If an employee is suffering from heat exhaustion or heat stroke they should be moved to a cool area, given fluids if conscious, have excess clothing removed and receive medical help.

**Recommendations:** Adverse effects from working in hot and sunny locations, with high humidity and little air movement are known to contribute to heat-related illness.

Following these safety tips are good ways to avoid heat-related illnesses of employees on the farm:

- Educate employees about preventing heat-related illnesses.
- Educate employees that prescriptions and over-the-counter medications might make them more susceptible to heat illness. Check with a medical professional.
- Educate employees that drinking caffeine, alcohol and eating sugary items may increase dehydration.
- Educate employees about preventing heat-related illnesses.
- Encourage wearing light-colored, lightweight and loose clothing for working in the heat.
- Gradually adjust employees to working in the heat.
- Schedule strenuous work for the morning and evening hours.
- Take a break at the hottest part of the day.
- Plan 15-minute breaks in a cooled area or shade for every two hours of work.
- Drink one cup of water for every 15 to 30 minutes working in the heat.

**Investigative findings:**

**Fatal Event:** On July 27, 2020, a 55-year-old male H2A worker collapsed in a tobacco field while carrying an arm full of tobacco leaves and died due to heat stress.

The employee worked on a medium size family farming operation which included 200 acres of organic flue-cured tobacco that was grown in various fields. The farm employees consisted of two part-time workers and up to 26 H2A migrant farm workers. The H2A workers were housed in labor camps that were registered, inspected and certified by N.C. Department of Labor. The farm employees did manual labor which consists mainly of planting and hand harvesting tobacco and cucumbers.

The heat-related incident occurred on a four-acre tobacco field that was planted in 16 rows measuring up to 480 feet in length. There was an approximately seven-foot-wide swath of land in the middle of the rows that was left bare for the tractors and trailers to navigate and where the tobacco was loaded for transport.

On the day of the incident, 20 employees began working at 6:15 a.m.; 18 employees were hand harvesting tobacco and two employees drove open cab tractors equipped with trailers. The employees were working in direct sunlight. Hand harvesting tobacco involves employees walking up and down the rows of tobacco and manually removing the bottom four to five leaves of tobacco from each plant. Due to the size of the tobacco plants (three to four feet high) and the way in which the tobacco is planted in high ridges (six to eight inches high) of dirt, there is little air movement between the rows.

The harvested tobacco leaves are put under the employees’ arms until they can’t carry anymore. They then walk across the rows and place the leaves on the trailer. Once a trailer is filled, it is hauled to a tobacco barn where workers place the tobacco inside the barn to cure.

The temperature on the day of the event was in the mid-90s and the heat index, which is what the temperature feels like to the human body when relative humidity is combined with the air temperature, was approximately 98 degrees Fahrenheit. The employees generally worked eight to nine hours a day and took two 15-minute breaks in the field in a narrowly-shaded area, and one 90-minute lunch break where they were returned to the camp.

A 10-gallon cooler of water was at each end of the field, and the employees drank water when they reached the end of a row. The employees picked tobacco until approximately 10 a.m., when the employee collapsed in the field. Another employee phoned the supervisor to let him know someone had collapsed. The supervisor came out to the field, saw the employee on his back with another employee giving him chest compressions, and he called 911. The employee was taken to the hospital where he later died.
**Bulletin Board**

**Mine and Quarry Training**

**MSHA New Miner Training**
- June 6-8, Virtual
- June 27-29, Virtual

**MSHA Annual Refresher Training**
- June 9, Virtual
- June 30, Virtual

To register for any of these classes, go online or call the Mine and Quarry Bureau at 919-707-7932.

**Wage and Hour Presentations**

Investigators from the Wage and Hour Bureau offer presentations to employers, employees, high schools and career development organizations. The presentation covers the provisions of the Wage and Hour Act, minimum wage, overtime, record keeping, wage payment and youth employment. The presentation is designed to enhance North Carolina citizens' knowledge of labor laws and to inform employers and employees of their rights and responsibilities in wage and hour matters.

To schedule a presentation, please email whbinfo@labor.nc.gov with the following information: requesting individual or business, location, desired topics and preferred dates for presentation.

**Trench Safety Stand-Down**

June 20-24, 2022

Click here to view event details, resources and training calendar.

**Heat Illness Prevention Campaign**

Click here to view event details and information.

**OSH Webinar Courses**

Visit the OSH Training Schedule Calendar to view upcoming internet training and other safety courses.

**Pre-Recorded Webinars**

Visit the OSH Training Schedule Calendar to view upcoming internet training and other safety courses.

**Library Update**

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