



North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
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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 .0201, to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1926 promulgated as of September 15, 2020, 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*, but Part 1926 is not included.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, 29 CFR amendment to § 1926 – Cranes and Derricks in Construction: Railroad Roadway Work (85 FR 57109, September 15, 2020).

The final rule, published in the Federal Register on September 15, 2020 (85 FR 57109), revises the standard for cranes and derricks in construction to provide specific exemptions and clarifications with regard to the application of the standard to cranes and derricks used for railroad roadway work. These exemptions and clarifications recognize the unique equipment and circumstances in railroad roadway work and reflect the preemption of some OSHA requirements by regulations promulgated by the Federal Railroad Administration (FRA). The revised standard provides a clearer understanding of which regulatory requirements are applicable, resulting in a more effective regulatory program and ultimately improved safety. OSHA's final rule was effective November 16, 2020.

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

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Summary of Verbatim Adoptions
Effective March 8, 2021

Occupational Safety and Health Standards

The final rule, published in the Federal Register on September 15, 2020 (85 FR 57109), revises the standard for cranes and derricks in construction to provide specific exemptions and clarifications with regard to the application of the standard to cranes and derricks used for railroad roadway work. These exemptions and clarifications recognize the unique equipment and circumstances in railroad roadway work and reflect the preemption of some OSHA requirements by regulations promulgated by the Federal Railroad Administration (FRA). The revised standard provides a clearer understanding of which regulatory requirements are applicable, resulting in a more effective regulatory program and ultimately improved safety. OSHA's final rule was effective November 16, 2020.

The attached amendment of 13 NCAC 07F .0201 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 March 8, 2021.**