

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

On January 10, 2025, the United States Department of Labor (“USDOL”) published a notice in the Federal Register of changes to federal OSHA civil penalty amounts based on cost-of-living adjustments for 2025 pursuant to the Federal Civil Penalties Inflation Adjustment Act. See pages 1854-1866 of the Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2025 found here: <https://www.govinfo.gov/content/pkg/FR-2025-01-10/pdf/2024-31602.pdf>

Penalties for violations of the North Carolina OSH Act are established pursuant to N.C. Gen. Stat. § 95-138 of Chapter 95, Article 16. Specifically, N.C. Gen. Stat. § 95-138(a1) requires the N. C. Commissioner of Labor to adjust minimum and maximum penalties in accordance with the requirements as set forth in the United States Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics which is an agency of the USDOL. The Commissioner is required to publish the civil penalties in the North Carolina Register within 60 calendar days from the date a final rule is published in the Federal Register. See N.C. Gen. Stat. § 95-138(a1): https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_95/GS_95-138.pdf

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. **The increased penalty levels apply to any penalties assessed by NCDOL pursuant to the OSH Act on or after July 1, 2025.**

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 \$16,131 per violation to \$16,550 per violation. The maximum penalty for willful or repeat violations will increase from \$161,323 per violation to \$165,514 per violation.

January 17, 2025
NCDOL