

North Carolina State-Specific Standards

OSHA Standards With Special Requirements

These webpages are designed to assist employers in complying with standards that have **"special requirements"**. For the purpose of this technical guidance, special requirements includes programs, plans, procedures, policies, inspections, certifications, competent persons, qualified persons, training, medical surveillance, exposure monitoring, signs, tags, markings, tests, records and recordkeeping requirements that are applicable in meeting the requirements of OSHA standards by industry. *If a standard or subpart are not listed, it did not have one of these types of special requirements.*

Note: While all attempts have been made to ensure the accuracy of the content and completeness in the information provided, it may not include all the specific standards that have special requirements that may be required by an OSHA standard. To ensure completeness in meeting each standard's requirement, the specific standard should be referenced.

To learn more about these special requirements, click on the tabs below.

Special Requirements

This webpage is to be used in conjunction with the [Which OSHA Standards Apply](#) webpages for [North Carolina State-Specific Standards](#).

- NCGS 95-129(1) - [General Duty Clause](#)
- NCGS 95-173 through 95-218 - [Hazardous Chemical Right To Know Act](#)
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NCGS 95-129(1) - General Duty Clause

The [NCGS 95-129\(1\)](#) - General Duty Clause is used when there isn't a standard for a recognized hazard that can cause death or serious injury or serious physical harm.

To learn if NCGS 95-129(1) applies to you, go to [Does the "General Duty Clause" Apply to You?](#)

Special Requirements

NCGS 95-129(1) - General Duty Clause

Scope: This [standard](#) is used when there isn't a standard for a recognized hazard that can cause death or serious injury or serious physical harm.

Special Requirements: Rights and duties, recognized

Rights and duties of employers shall include but are not limited to the following provisions: [Reference [NCGS 95-129\(1\) - \(8\)](#)].

- (1) Each employer shall furnish to each of his employees conditions of employment and a place of employment free from *recognized* hazards that are causing or are likely to cause death or serious injury or serious physical harm to his employees;

NCGS 95-173 through 95-218 - Hazardous Chemical Right To Know Act

[NCGS 95-173 through 95-218](#) - Hazardous Chemical Right To Know Act provides the standards for the Hazardous Chemicals Right to Know Act applicable in North Carolina.

To learn if NCGS 95-173 through 95-218 applies to you, go to [Does the "Hazardous Chemical Right To Know Act" Apply to You?](#)

Special Requirements

NCGS 95-173 through 95-218 - Hazardous Chemical Right To Know Act

Scope: This [standard](#) provides the standards for the right to know about hazardous chemicals.

Special Requirements: Label, list, information, notify, emergency response plan, evacuation procedures, safety data sheet, updated quarterly/annually, fire chief, fire department, inspection, chemical manufacturers and distributors, in writing, written request, contingency plan, testify, prefire plan, request, written notification, inspect, commissioner of labor, complaints, investigations, credentials, administrative hearings, healthcare provider, determines, written statement, posting, confidentiality agreement, references other standards

§ 95-191. *Hazardous Substance List.*

- (a) All employers who manufacture, process, use, store, or produce hazardous chemicals, shall compile and maintain a *Hazardous Substance List* which shall contain all of the following *information* for each hazardous chemical stored in the facility in quantities of 55 gallons or 500 pounds, whichever is greater:
[Reference [95-191 - paragraph \(a\)\(1\) - \(3\)](#)]
 - (1) The chemical name or the common name used on the *SDS* or *container label*.
- (b) The *Hazardous Substance List* shall be *updated quarterly* if necessary, but not less often than annually; however, if a chemical is deleted from, or added to, the *Hazardous Substance List*, or if the quantity changes sufficiently to cause the chemical to be in a different class as defined in subsection (a) of this section, the employer shall update the *Hazardous Substance List* to reflect those changes as soon as practicable, but in any event within 30 days of such change.
 - (b1) In lieu of the *information* required by subdivisions (a)(1) through (a)(3), employers may substitute the *information* specified in [section 312\(d\)\(2\) of the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499](#).
- (c) The *Hazardous Substance List* may be prepared for the facility as a whole, or for each area in a facility where hazardous chemicals are stored, at the option of the employer but shall include only chemicals used or stored in North Carolina.

§ 95-192. *Safety data sheets.*

- (a) *Chemical manufacturers and distributors* shall provide *safety data sheets (SDSs)* to manufacturing and nonmanufacturing purchasers of hazardous chemicals in North Carolina for each hazardous chemical purchased.
- (b) Employers shall *maintain* the most current *SDS* received from *manufacturers or distributors* for each hazardous chemical purchased. If an *SDS* has not been provided by the *manufacturer or distributor* for chemicals on the *Hazardous Substance List* at the time the chemicals are received at the facility, the employer shall *request* one in *writing* from the *manufacturer or distributor* within 30 days after receipt of the chemical. If the employer does not receive an *SDS* within 30 days after his *written request*, he shall *notify* the *Commissioner of Labor* of the failure by *manufacturer or distributor* to provide the *SDS*.

§ 95-193. *Labels.*

- Existing *labels* on incoming containers of hazardous chemicals shall not be removed or defaced. All containers of hazardous substances must be clearly designated as hazardous.

§ 95-194. *Emergency information.*

- (a) An employer who normally stores at a facility any hazardous chemical in an amount of at least 55 gallons or 500 pounds, whichever is greater, shall provide the *Fire Chief* of the *Fire Department* having jurisdiction over the facility, *in writing*, (i) the name(s) and telephone number(s) of knowledgeable representative(s) of the employer who can be contacted for further *information* or in case of an emergency and (ii) a *copy of the Hazardous Substance List*.
- (b) Each employer shall provide a *copy of the Hazardous Substance List to the Fire Chief*. The employer shall *notify the Fire Chief in writing* of any updates that occur in the previously submitted *Hazardous Substance List* as provided in G.S. 95-191(b).
- (c) The *Fire Chief* or his representative, upon request, shall be permitted on-site *inspections* at reasonable times of the chemicals located at the facility on the *Hazardous Substance List* for the sole purpose of preplanning *Fire Department* activities in the case of an emergency and insuring by *inspection* the usefulness and accuracy of the *Hazardous Substance List and labels*.
- (d) Employers shall provide to the *Fire Chief*, *upon written request of the Fire Chief*, a *copy of the SDS* for any chemical on the *Hazardous Substance List*.
- (e) Upon *written request of the Fire Chief*, an employer shall prepare an *emergency response plan* for the facility that includes facility *evacuation procedures*, a *list of emergency equipment* available at the facility, and *copies of other emergency response plans*, such as the *contingency plan* required under rules governing the management of hazardous waste adopted pursuant to [Article 9 of Chapter 130A of the General Statutes](#). A *copy of the emergency response plan* or any *prefire plan or emergency response plan* required under applicable North Carolina or federal statute or rule or regulation shall, upon *written request by the Fire Chief*, be given to the *Fire Chief*.
- (f) The *Fire Chief* shall make *information* from the *Hazardous Substance List*, the *emergency response plan*, and *SDSs* available to members of the *Fire Department* having jurisdiction over the facility and to personnel responsible for preplanning emergency response, police, medical or fire activities, but shall not otherwise distribute or disclose (or allow the disclosure of) *information* not available to the public under G.S. 95-208. Such persons receiving such *information* shall not disclose the *information* received and shall use such *information* only for the purpose of preplanning emergency response, police, medical or fire activities.
- (g) Any knowing distribution or disclosure (or permitted disclosure) of any *information* referred to in subsection (f) of this section in any manner except as specifically permitted under that subsection (f) shall be punishable as a Class 1

misdemeanor. Restrictions concerning confidentiality or nondisclosure of information under this Article 18 shall be exemptions from the *Public Records Act contained in Chapter 132 of the General Statutes*, and such information shall not be disclosed notwithstanding the provisions of *Chapter 132 of the General Statutes*.

§ 95-195. Complaints, investigations, penalties.

- (a) *Complaints* of violations of this Part shall be *filed in writing* with the Commissioner of Labor. Such complaints received *in writing from any Fire Chief* relating to alleged violations of this Part shall be *investigated* in a timely manner by the *Commissioner of Labor* or his designated representative.
- (b) Duly designated representatives of the *Commissioner of Labor*, upon presentation of appropriate *credentials* to the employer, shall have the right of entry into any facility at reasonable times to *inspect and investigate complaints* within reasonable limits, and in a reasonable manner. Following the investigation, the *Commissioner* shall make appropriate findings. Either the employer or the person complaining of a violation may request an *administrative hearing* pursuant to *Chapter 150B of the General Statutes*. This request for an administrative hearing shall be submitted to the *Commissioner of Labor* within 14 days following the *Commissioner* making his findings. The *Commissioner* shall within 30 days of receiving the request hold an *administrative hearing* in accordance with *Article 3 of Chapter 150B of the General Statutes*.
- (c) If the *Commissioner of Labor* finds that the employer violated this Article, the *Commissioner* shall order the employer to comply within 14 days following *receipt of written notification* of the violation. Employers not complying within 14 days following *receipt of written notification* of a violation shall be subject to civil penalties of not more than one thousand dollars (\$1,000) per violation imposed by the *Commissioner of Labor*. There shall be a separate offense for each day the violation continues. The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with [G.S. 115C-457.2](#).
- (d) Any order by the *Commissioner* under subsection (b) or (c) of this section shall be subject to judicial review as provided under *Article 4 of Chapter 150B of the General Statutes*.

§ 95-196. Employee rights.

- No employer shall discharge, or cause to be discharged, or otherwise discipline or in any manner discriminate against an employee at the facility because the employee has assisted the *Commissioner of Labor* or his representative or the *Fire Chief* or his representative who may make or is making an *inspection* under [G.S. 95-194\(c\)](#) or [G.S. 95-195\(b\)](#), or has *testified* or is about to *testify* in any proceeding under this Article, or has used the provisions of [G.S. 95-208](#).

§ 95-197. Withholding hazardous substance trade secret *information*. [Reference [95-197](#), [paragraph \(a\) - \(d\)](#)].

§ 95-198. Medical emergency and nonemergency situations.

- (a) Where a treating *health care provider* determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the *chemical manufacturer, importer*, or employer shall immediately disclose the specific chemical identity of a hazardous substance trade secret substance to that treating physician or nurse, regardless of the existence of *written statement* of need or a *confidentiality agreement*. The *chemical manufacturer, importer*, or employer may require a *written statement* of need and a *confidentiality agreement* as soon as circumstances permit.
 - The *confidentiality agreement* (i) may restrict the use of the *information* to the health purposes indicated in a *written statement* of need; (ii) may provide for appropriate legal remedies in the event of a breach of the *agreement*, including stipulation of a reasonable pre-estimate of likely damages; and (iii) may not include requirements for the *posting* of a penalty bond. The parties are not precluded from pursuing noncontractual remedies to the extent permitted by law.
- (b) In nonemergency situations, a *chemical manufacturer, importer*, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under this section, to a responsible party, as defined in the standards adopted in Title 13, Subchapter 7F of the [North Carolina Administrative Code \(13 NCAC 7F\)](#), providing medical or other occupational health services to exposed persons if the request is *in writing* and states the medical need for the *information*. The employer may require that the responsible party sign a *confidentiality agreement* prior to release of the *information*. The parties are not precluded from pursuing noncontractual remedies to the extent permitted by law.
- (c) If the *chemical manufacturer, importer* or employer denies a *written request* for *hazardous substance trade secret release*, or does not provide this *information* within 30 days, the Department of Labor shall initiate the *trade secret claim determination* process under G.S. 95-197.

§ 95-208. *Community information* on hazardous chemicals.[Reference 95-208, [paragraph \(a\) - \(b\)](#)].

§ 95-217. Preemption of *local regulations*. [Reference [95-217](#)].

13 NCAC 7A .0600 through .0606 - [Safety and Health Programs and Committees](#)

13 NCAC 7A .0600 through .0606 - Safety and Health Programs and Committees establishes programs which promote safety and health for all North Carolina employers with a workers' compensation experience rate modifier of 1.5 or above.

To learn if 13 NCAC 7A .0600 through .0606 applies to you, go to [Does "Safety and Health Programs and Committees" Apply to You?](#)

Special Requirements

13 NCAC 07A .0603 - Safety and Health Programs

Scope: This [standard](#) provides requirements for safety and health programs.

Special Requirements: Safety and health programs, committee, participation, communicated, corrective action, controls, investigated, record, compliance plans, inspected, affected employees, safety committee, checklist (written), investigation, self-audit, safe work practices, marked, enforced, analyze, rules, informed, safety data sheets, statement, written findings, measured, written program, copy, retained, references other standards

(a) All *Safety and Health programs* established under [G.S. 95-251](#) for both fixed locations and non-fixed locations shall meet or exceed the requirements of [G.S. 95-251\(b\)\(1\)-\(9\)](#).

(b) The *written program* shall also include:

- (1) The manner in which managers, supervisors, and employees are responsible for implementing the *program* and how the continued *participation* of management will be established, *measured*, and maintained including specifically what the leadership role of the top employer official at the worksite shall be in regard to the *program*.
- (2) The manner in which the *plan* will be communicated to all *affected employees* so that they are *informed* of work-related hazards and *controls*.
- (3) The manner in which *safe work practices and rules* will be enforced.
- (4) The manner in which workplace accidents will be *investigated and corrective action* implemented. The employer shall keep a *comprehensive record* of accident *investigations*, findings, and corresponding *corrective action taken*.
- (5) The manner in which near-miss incidents will be *investigated*. Special emphasis will be placed on identifying all contributing factors to any near-miss incident. The employer shall keep a *comprehensive record* of each such incident and the findings relating to it, and shall keep a *record* of all corresponding *corrective action taken*.
- (6) The *methods* used to identify, *analyze* and control new or existing hazards, conditions and operations, and the manner in which changes will be incorporated into the *safety program*, *safety committee checklist*, and *communicated* to all *affected employees*.

- (7) *Written compliance plans* as required by either the *Mine Safety laws or OSHA standards*, whichever is applicable to the employer. *Written compliance plans* shall include, the following *OSHA standards*, when applicable: Excavations, Hazard Communication, Occupational Noise Exposure, Control of Hazardous Energy Sources (Lockout/Tagout), Respiratory Protection, Process Safety Management of Highly Hazardous Chemicals, Bloodborne Pathogens, Life Safety Code, Cotton Dust, and Confined Spaces.
- (8) A *written checklist* of all potential hazards to be *inspected* during the *quarterly inspections* required pursuant to [G.S. 95-252\(c\)\(4\)d](#), if applicable, including, but not limited to, checking for properly *marked* doors (including exit doors and doors not leading to an exit); properly working fire extinguishers; unlisted hazardous substances, improperly located hazardous substances, or hazardous substances for which there are no *material safety data sheets*; doorways or exit pathways that are cluttered; improperly grounded equipment and exposed live wiring and parts; and unguarded machinery. Each item on the aforementioned *written checklist* shall be *checked* during the *quarterly inspections* and a *copy of the list* shall be *retained* by the employer for not less than two years. All conditions or items deemed to be out of compliance shall be immediately abated, unless circumstances beyond the control of the employer requires a longer period of time.
- (9) The employer shall conduct an *annual self-audit* of all required *safety and health programs*. *Written findings and a statement* of remedial actions taken shall be retained for not less than two years. Companies with less than 11 employees that are not required to have *safety and health committees* shall appoint a company safety officer to conduct the *annual self-audit*.
- (10) The purpose and operation of the *Safety and Health Committee* where such *committee* exists.
- (11) The *methods used to communicate* requirements of the *program* to other employers or subcontractors and their employees who may be present at the same site.

13 NCAC 07A .0604 - Selection of Safety Committees

Scope: This [standard](#) provides the requirements for safety and health committees.

Special Requirements: Safety and health committees, determined, certified collective bargaining agent, nomination, ballots, employee meeting, statute, written documentation, processes, retain, collective bargaining process, election process, approved methods, references other standards

(a) An employer may elect to implement any one of the following selection processes as a means of meeting the requirements for selection of representatives to employee *Safety and Health committees* pursuant to [G.S. 95-252\(d\)](#). The employer shall *retain written documentation* outlining any utilized *selection process*. An employer whose employees are represented by a *collective bargaining* representative must utilize either subsection 8, 9, or

10 for committee selection purposes. Any non-management employees who choose not to participate in the *collective bargaining* process are still considered to be represented by the *collective bargaining* representative for purposes of this Rule for committee selection purposes.

- (1) The employer may devise and implement any means of employee selection so long as: (A) the employee representatives are selected "by and from among the employer's nonmanagement employees" as specified in the *statute*, (B) minimum numbers are met, and (C) the intent of the *statute* is satisfied.
- (2) The employer may require that all non-management employees serve on a *Safety and Health Committee*. In the instance of a small employer, there may be one committee comprised of all nonmanagement employees which serves the entire organization. In a larger organization, there may be *several committees*, each addressing one or more of the responsibilities of the *safety committee* as outlined in [G.S. 95-252](#), with employees divided among the *committees*.
- (3) The employer may conduct an election at either a *meeting* or through the distribution of *ballots*. The *election process* shall provide for the *nomination* by non-management employees (including self-nominations) of non-management employees in the numbers specified by the employer, but shall not be less than one nor more than the number of non-management members specified by *statute*. The number of non-management employees specified by *statute* receiving the most *nominations* shall serve on the *Safety and Health Committee*.
- (4) The employer may conduct an *employee meeting* at which open nominations are held and secret *ballots* are used to elect employee representatives. The meeting may be for all non-management employees or by working unit.
- (5) The employer may conduct an employee meeting at which non-management employees nominate one peer by *listing* that employee's name on a *ballot*. The *ballots* shall be tallied and the appropriate number of representatives, in the numbers required by *statute*, shall be *determined* by those employees named on the most *ballots*.
- (6) The employer may solicit *nominations* from all non-management employees for employee representatives to serve on the committee, then select representatives by lottery from among those *nominated* to obtain the statutorily appropriate number of employee representatives for the *safety and health committee*.
- (7) The employer may solicit volunteers and nominations from among the non-management employees for a pool of applicants to serve as employee representatives on the *safety committee*. (If no volunteers or nominations are received, the employer shall require that nominations be submitted from a cross section of employee work units within the establishment.) The members of the *applicant pool* shall select from among its ranks the initial employee representatives necessary to meet minimum numbers as specified in the *statute*.
- (8) Employees shall be selected to serve on a *safety and health committee(s)* in accordance with any contract that exists between a *collective bargaining* unit and the employer. Should the contract not otherwise specify selection of a *safety and*

health committee, non-management members shall be selected in a manner approved by the certified collective bargaining agent.

- (9) Employers having more than one *collective bargaining unit* shall devise and implement a means of employee selection utilizing the provisions of the existing contracts or *methods approved* by the *certified collective bargaining agents*. *Safety committee* members shall be selected in proportionate numbers to the number of employees represented by the *certified collective bargaining agents*.
- (10) Employers having some non-management employees represented by a *collective bargaining agent or agents* and some not represented shall devise a means that utilizes language in the contract or *methods approved* by the *certified collective bargaining agent(s)* for selection of bargaining unit representatives, and one or more of the above means for selecting non-management employee members not represented by the bargaining agent(s). *Safety committee* members shall be selected in proportion to the number of employees represented by the *certified collective bargaining agent(s)* and the number of employees not represented.

13 NCAC 07A .0605 - Safety and Health Committee Requirements

Scope: This standard provides the requirements for safety committees.

Special Requirements: Safety and health committee, notify(ing), chairperson, general contractor, distribute information, meetings, designate, legislation, references other standards

(a) Multi-Site Employers:

- (1) Employers with 11 or more employees who do not report to a fixed or regular location worksite are required to have a *Safety and Health Committee* to represent those employees. The employer must have a separate *Safety and Health Committee* for each mobile work crew consisting of 11 or more employees.
- (2) Employers with employees who report to a fixed or regular location worksite must have a separate *safety and health committee* for each location with 11 or more employees.
 - (b) Multi-Employer Worksites: (1) At multi-employer fixed or regular location worksites, any employer required to establish a *Safety and Health Committee* pursuant to G.S. 95-252 shall *notify* the general contractor or equivalent of the requirements of this *legislation and of the chairpersons* of their *committee*. (2) The *general contractor* or equivalent shall *designate* a representative to attend the *Safety and Health Committee meetings* of the *notifying employer(s)*. (3) The *notifying employer* shall work with the *general contractor* or equivalent to distribute information as required by G.S. 95-251(b)(9).

13 NCAC 07A .0606 - Training and Education

Scope: This standard provides the requirements for training and education.

Special Requirements: Safety and health committee, training, affected employees, frequently cited violations, education, committee's duties, accident investigation, recordkeeping, procedures, system, PPE, hazard identification, safety and health programs, work practice, references other standards

(a) All *safety and health committee* members shall receive *training and education* based on the type of business activity in which the employer is involved and the scope of the *committee's duties*. At a minimum, employers shall provide *training* regarding the following: [Reference paragraph (a)(1) - (6)].

- (2) Principles regarding effective accident and incident *investigations*.
- (3) Employee and employer rights and responsibilities under the *Safety and Health Programs and Committees Act* ([G.S. 95-250](#) et al.) and the *Mine Safety laws* or *OSHANC*.
- (4) *Recordkeeping* requirements of the *North Carolina Workers' Compensation Act* ([G.S. 97-1](#) et seq.) and the *Mine Safety laws* or *OSHANC*. (5) The most common causes of on-the-job accidents.
- (6) The most *frequently cited violations* of either the *Mine Safety laws* or *OSHANC*.

(b) There shall also be established for employees whether or not a *safety and health committee* is required:

- (1) A *system for training and education* of all employees in occupational safety and health hazards at the worksite. The *system* shall contain specific requirements that new employees not be allowed to begin work, except when participating in carefully *supervised on-the-job training*, until thoroughly *trained* in the safe use of all applicable equipment and substances, and *procedures* relating to their workplace environment.
- (2) A *system of training and education* for any existing employee given a new work assignment.
- (3) A *system of training and education* for all *affected employees* when a new substance, process, *procedure* or piece of equipment is introduced into the workplace and presents a new hazard to safety or health.
- (4) A *system of training and education* for all *affected employees* when any new *personal protective equipment* or different *work practice* is used on existing hazards.
- (5) *Training* to comply with all applicable *OSHA employee training requirements*, including, but not limited within General Industry to Means of Egress; Powered Platforms, Manlifts, and Vehicle- Mounted Work Platforms; Occupational Health and Environmental Control; Hazardous Materials; Personal Protective Equipment; General Environmental Controls; Medical and First Aid; Fire Protection; Materials Handling and Storage; Machinery and Machine Guarding; Welding, Cutting and

Brazing; Special Industries; Electrical; Commercial Diving Operations; Toxic and Hazardous Substances, and Occupational Exposure to Hazardous Chemicals in Laboratories; including, but not limited within the Construction Industry to General Safety and Health Provisions; Occupational Health and Environmental Controls; Personal Protective and Life Saving Equipment; Fire Protection and Prevention; Signs, Signals, and Barricades; Tools - Hand and Power; Welding and Cutting; Electrical; Ladders and Scaffolding; Cranes, Derricks, Hoists, Elevators and Conveyors; Motor Vehicles, Mechanized Equipment, and Marine Operations; Excavations; Concrete and Masonry Construction; Underground Construction, Caissons, Cofferdams and Compressed Air; Demolitions; Blasting and Use of Explosives; Power Transmission Distribution; Stairways and Ladders; including, but not limited within Agriculture to Roll-Over Protective Structures, and Safety for Agricultural Equipment; and including, but not limited to the Process Safety Management Standard, the Confined Spaces Standard, Hazard Communication Standard, and the Bloodborne Pathogens Standard.

(c) The required *safety and health training* shall be provided by someone trained to recognize, evaluate and control safety and health hazards. The *training* may be provided on-site or off-site.

13 NCAC 07F .0103 - Hazardous Materials

13 NCAC 07F .0103 - [Hazardous Materials](#) adds a new level of training to the standard on hazardous waste operations and emergency response for individuals who respond to hydrocarbon fuel leaks; "first responder operations plus level".

To learn if 13 NCAC 07F .0103 applies to you, go to [Does "Hazardous Materials" Apply to You?](#)

Special Requirements

13 NCAC 07F .0103 - Hazardous Materials

Scope: This [standard](#) applies to hazardous waste operations and emergency response for individuals who respond to hydrocarbon fuel leaks.

Special Requirements: First responders, training, certify, demonstrates competency, risk assessment techniques, decontamination procedures, PPE, references other standards

Subpart H - Hazardous Materials, [29 CFR 1910.120](#), *Hazardous waste operations and emergency response*, [1910.120\(q\)\(6\)](#) is amended by adding a new level of *training*:

"(vi) *First responder* operations plus level. *First responders* at operations plus level are individuals who respond to hydrocarbon fuel tank leaks where the leaking tanks contain a hydrocarbon fuel which is used to propel the vehicle on which the tank is located. Only those vehicles designed for highway use or those used for industrial, agricultural or construction purposes are covered. *First responders* at the operations plus level shall have received at least *training* equal to first responder operations level and, in addition, shall receive *training* or have had sufficient experience to objectively *demonstrate competency* in the following areas and the employer shall so *certify*:

- (a) Know how to select and use proper specialized *personal protective equipment* provided to the first responder at operations plus level;
- (b) *Understand* basic hazardous materials terms as they pertain to hydrocarbon fuels;
- (c) Understand hazard and *risk assessment techniques* that pertain to gasoline, diesel fuel, propane and other hydrocarbon fuels;
- (d) Be able to perform control, containment, or confinement operations for gasoline, diesel fuel, propane and other hydrocarbon fuels within the capabilities of the available resources and *personal protective equipment*; and
- (e) *Understand* and know how to implement *decontamination procedures* for hydrocarbon fuels."

13 NCAC 07F .0202 - General Safety and Health Provisions

[13 NCAC 07F .0202](#) - General Safety and Health Provisions adds to paragraph (a) of the construction standard on [personal protective equipment](#) applicable in North Carolina.

To learn if 13 NCAC 07F .0202 applies to you, go to [Does "General Safety and Health Provisions" Apply to You?](#)

Special Requirements

13 NCAC 07F .0202 - General Safety and Health Provisions

Scope: This [standard](#) applies to personal protective equipment.

Special Requirements: PPE, references other standards

Subpart C - General Safety and Health Provisions - *Personal protective equipment*, [1926.28\(a\)](#) is amended to read as follows: "(a) The employer is responsible for requiring the wearing of appropriate *personal protective equipment* (as described in 1926.28) in all operations where there is an exposure to hazardous conditions or where

this part indicates the need for using such equipment to reduce the hazards to the employees."

13 NCAC 07F .0203 - Occupational Health and Environmental Controls

13 NCAC 07F .0203 - Occupational Health and Environmental Controls provides an addition to 29 CFR 1926.54, Nonionizing radiation applicable in North Carolina.

To learn if 13 NCAC 07F .0203 applies to you, go to [Does "Occupational Health and Environmental Controls" Apply to You?](#)

Special Requirements

13 NCAC 07F .0203 - Occupational Health and Environmental Controls

Scope: This standard applies to nonionizing radiation.

Special Requirements: Manufacturer recommendations, references other standards

Addition to 29 CFR 1926.54, *Nonionizing radiation*, after subpart (a) to read: "(a1) This standard shall apply to all direct or reflected laser equipment except unmodified Class I equipment maintained in accordance with the *manufacturer's recommendations*. Class I equipment is defined as intrinsically safe lasers having less than 0.001 milliwatt power and lasers which cannot create eye damage if viewed accidentally or which present no direct ocular hazard, diffuse ocular hazard or fire hazards."

13 NCAC 07F .0204 - Personal Protective and Life Saving Equipment

13 NCAC 07F .0204 - Personal Protective and Life Saving Equipment added a paragraph to 1926.104 - Safety belts, lifelines, and lanyards applicable in North Carolina.

To learn if 13 NCAC 07F .0204 applies to you, go to [Does "Personal Protective and Life Saving Equipment" Apply to You?](#)

Special Requirements

13 NCAC 07F .0204 - Personal Protective and Life Saving Equipment

Scope: This standard applies to safety belts, lifelines and lanyards.

Special Requirements: References other standards

Subpart E - Personal Protective and Life Saving Equipment -- addition of (g) to 1926.104 Safety belts, lifelines, and lanyards, as follows: "(g) Snaphooks shall be a locking type designed and used to prevent disengagement of the snaphook keeper by the connected member. Locking type snaphooks have self-closing, self-locking keepers which remain closed and locked until unlocked and pressed open for connection or disconnection."

13 NCAC 07F .0205 - Steel Erection

13 NCAC 07F .0205 - Steel Erection

[13 NCAC 07F .0205](#) - Steel Erection adds to the scope of the Steel Erection standard, [Subpart R](#), and adds to the paragraph on tripping hazards.

To learn if 13 NCAC 07F .0205 applies to you, go to [Does "Steel Erection" Apply to You?](#)

Special Requirements

13 NCAC 07F .0205 - Steel Erection

Scope: This [standard](#) applies to steel erection.

Special Requirements: Determine, protective measures, fall protection methods, fall protection system, references other standards

[Subpart R - Steel Erection](#) – additions and amendments to [29 CFR 1926.750 Scope, through 1926.754 Structural steel assembly](#), are applicable as follows:
[Reference paragraph (b)(1) - (2)].

[\(b\)\(2\)](#) There may be activities that occur during and are part of steel erection where conventional *fall protection methods* may not offer adequate protection for employees. The employer shall establish and *determine* when to implement employee *fall protection measures* as described in [1926.760 - fall protection](#), or the more *protective measures* described in [1926.502 "Fall Protection Systems Criteria and Practices"](#). Where non-traditional steel or iron workers [employees not meeting requirements of [1926.761\(c\) - training](#)] are engaged in leading edge work activities six (6) feet or more above lower levels, those employees shall be protected from falling by guardrail systems, *personal fall arrest systems or safety nets*. Such leading edge work activities include off loading, stacking, laying out and fastening steel floor decking and metal and

non-metal roof decking; positioning and securing exterior curtain walls, window walls, exterior siding systems; and moving from point to point while performing these activities.

1926.754(c)(1) - Tripping hazards. Employees shall be protected from falls due to tripping hazards created by shear connectors (including headed steel studs, steel bars or steel lugs), reinforcing bars, deformed anchors, or threaded studs attached to the top flanges of beams, joists or beam attachments. Such *protection* from falls may be accomplished by any of the following: [Reference paragraph (c)(1) - (3)].

(2) Providing all employees that are exposed to falling hazards greater than six feet with a suitable *fall protection system*, as defined in 1926.32(s) - definitions, including *guardrail systems, personal fall arrest systems, or safety nets*.

13 NCAC 07F .0207 - Toxic and Hazardous Substances

13 NCAC 07F .0207 - Toxic and Hazardous Substances incorporates the standard for Bloodborne Pathogens, into the Safety & Health Regulations for *Construction* at 29 CFR 1926.1130 in North Carolina.

To learn if 13 NCAC 07F .0207 applies to you, go to Does "Toxic and Hazardous Substances" Apply to You?

Special Requirements

13 NCAC 07F .0207 - Toxic and Hazardous Substances

Scope: This standard applies to bloodborne pathogens for the construction industry.

Special Requirements: References other standards

Subpart Z - Toxic and Hazardous Substances -- incorporation of the existing standard for Bloodborne Pathogens, 29 CFR 1910.1030, excluding subparagraph (e) HIV and HBV Research Laboratories and Production Facilities, into the Safety & Health Regulations for *Construction* at 29 CFR 1926.1130. [Reference Special Requirements for 1910.1030 - Bloodborne Pathogens]

13 NCAC 07F .0302 - General Environmental Controls

13 NCAC 07F .0302 - General Environmental Controls states that the scope for 29 CFR 1928.110, Field Sanitation, shall not be limited to any specific number of employees applicable in North Carolina.

To learn if 13 NCAC 07F .0302 applies to you, go to [Does "General Environmental Controls" Apply to You?](#)

Special Requirements

13 NCAC 07F .0302 - General Environmental Controls

Scope: This [standard](#) applies to field sanitation.

Special Requirements: References other standards

Subpart I - General Environmental Controls - [29 CFR 1928.110](#), *Field Sanitation*, the scope shall not be limited to any specific number of employees.

13 NCAC 07F .0501 through .0502 - Maritime

13 NCAC 07F [.0501](#) through [.0502](#) - Maritime states that the provisions of [1915](#) - Shipyard Employment and [1917](#) - Marine Terminals apply to public sector employees in North Carolina.

To learn if 13 NCAC 07F .0501 through .0502 - Maritime applies to you, go to [Does "Maritime" Apply to You?](#)

Special Requirements

13 NCAC 07F .0501 through .0502 - Maritime

Scope: These standards, [.0501](#) through [.0502](#), apply to 1915 - Shipyard Employment and 1917 - Marine Terminals standards.

Special Requirements: References other standards

13 NCAC 07F .0501 SHIPYARD EMPLOYMENT (a) The provisions for the *Occupational Safety and Health Standards for Shipyard Employment, Title 29 of the Code of Federal Regulations Part 1915* promulgated as of October 4, 2021, and exclusive of subsequent amendments, are incorporated by reference. (b) The provisions of [29 CFR 1915](#) shall apply only to public sector employees of local governments or of the State of North Carolina.

13 NCAC 07F .0502 MARINE TERMINALS (a) The provisions of the *Occupational Safety and Health Regulations for Marine Terminals, Title 29 of the Code of Federal Regulations Part 1917*, promulgated as of March 25, 2016, and exclusive of subsequent amendments are incorporated by reference. (b) The provisions of 29 CFR 1917 shall apply only to public sector employees of local governments or of the State of North Carolina.

13 NCAC 07F .0600 through .0609 - Communication Tower Standards

13 NCAC 07F .0600 through .0609 - Communication Tower Standards provides requirements for policies, procedures, and safe work practices to protect employees throughout North Carolina from the hazards of working on communication towers during construction, alteration, repair, operation, inspection, and maintenance activities.

To learn if 13 NCAC 07F .0600 through .0609 applies to you, go to [Does the "Communication Tower Standards" Apply to You?](#)

Special Requirements

13 NCAC 07F .0603 - Employer Responsibilities

Scope: This [standard](#) provides the requirements pertaining to employer responsibilities.

Special Requirements: Competent person, inspect, references other standards

(a) The employer shall require employees to adhere to acceptable conditions for access, as defined by 13 NCAC 07F .0602(1) - definitions, prior to climbing the tower at heights above six feet.

(b) The employer shall ensure that at least two employees, including at least one *competent person*, are on site at all times when employees are exposed to fall hazards above six feet, provided however, an employer shall not be required to have more than two employees on site at any given time.

(c) A *competent person* shall visually *inspect* the tower base for damage, deterioration, structural deficiencies and functionality of safety features and anchorages before employees are allowed to climb the tower at heights above six feet. Additionally, the employer shall ensure that the tower is *visually inspected* for these items, as it is ascended, to the elevation point where work is being performed.

13 NCAC 07F .0604 - Hazard Identification and Assessment

Scope: This [standard](#) provides for hazard identification and assessment.

Special Requirements: Hazard assessment, identify meteorological conditions, inspections, competent person, controls, evaluate, assess, document, information, rule, PPE, references other standards

(a) In addition to the *inspections* required by [13 NCAC 07F .0603\(c\)](#) - employer responsibilities, and [13 NCAC 07F .0605\(b\)](#) - fall protection, the employer shall conduct a *hazard assessment* to identify, assess, and control employee exposure to hazards as required by the rules in this Section and any other applicable state or federal statutes, rules or regulations.

(b) The employer shall perform and *document the hazard assessments* required by this *Rule*:

- (1) Initially and daily for each site prior to permitting employees to climb the structure; and
- (2) When *safety and health information* or change in workplace conditions indicates that a new or increased hazard may be present.

(c) The *hazard assessments* required by this *Rule* shall:

- (1) Be performed by a *competent person*;
- (2) *Evaluate* new equipment, materials, and processes for hazards before they are introduced into the workplace; and
- (3) *Identify meteorological conditions* that could affect work at heights above six feet on a tower, such as wind, rain, snow or ice.

(d) If hazards are *identified*, the employer shall *assess* the severity of identified hazards and implement means to *control* such hazards, including providing employees with *personal protective equipment (PPE)* designed to control the identified hazards and ensuring the proper use of the *PPE* by the employees.

13 NCAC 07F .0605 - Fall Protection

Scope: This [standard](#) provides the fall protection requirements.

Special Requirements: Fall protection systems, inspection, rescue team, verify, rescue plans, competency, simulated rescue operations, communicate (documented), available, tested, alternative means, inspect, competent person, planning, documentation, documented, fall protection equipment, trained, procedures (documented), designate, qualified climber, demonstrate, fall protection plan, PFAS, manufacturer's recommendations, American Red Cross, first aid/CPR certification, first aid supplies, training, references other standards

(a) General. Prior to employees climbing the tower at heights above six feet, the employer shall ensure that *100% fall protection systems* compatible with the tasks assigned are provided, used, and maintained. The *rules* in this Section shall not require the retrofitting of communication towers; provided, that employees who are exposed to fall hazards above six feet while performing work on communication towers are protected from such hazards by means of a *100% fall protection system*.

(b) *Pre-Climb Planning and Inspection*. In addition to the criteria for *pre-climb planning and inspection* included in Paragraph (g) of this *Rule*, the employer shall ensure that the following items occur prior to employees climbing the tower at heights above six (6) feet:

- (1) All climbing jobs shall be *planned by a competent person*;
- (2) All climbing facilities shall be *visually inspected daily* at the tower base by a *competent person* for rust, corrosion, deterioration, or other hazards. Additionally, the employer shall ensure that the climbing facilities are *visually inspected* for these items, as it is ascended, to the elevation point where work is being performed. If any such hazard is identified during this *inspection*, employees shall not use the climbing facility until such hazards are abated;
- (3) A *competent person* shall ensure that all *fall protection equipment is inspected prior to each use* for wear, damage, defect or other deterioration by employees who have been trained in accordance with [13 NCAC 07F .0609 - training](#). Defective equipment shall be identified as defective and immediately removed from service;
- (4) Components of a fall protection system and the *fall protection equipment* utilized by employees shall be compatible with one another and shall be utilized in accordance with the *manufacturer's recommendations*; and
- (5) The employer shall ensure that the *planning and inspections* are performed and *documented*. The *documentation* shall be *maintained* on site while work is being performed, and thereafter by the employer at its place of business. The *documentation* shall include the date of the *planning and inspection*, the name of the *competent person* performing the *planning and inspection*, and the site location.

(c) *Fall Protection Systems*. In order to comply with the requirements of Subparagraph (a)(1) of this *Rule*, the employer may permit employees to utilize the *100% fall protection systems* described in Paragraphs (d) through (g) of this *Rule*. If the *fall protection systems* described therein are not present on the tower, the employer shall not permit employees to climb the tower at heights above six feet unless:

- (1) an *alternative means of 100% fall protection* is utilized that is at least as effective as the *fall protection systems* described in Paragraphs (d) through (g) of this *Rule*;
- (2) an *alternative means* of access to the work area is utilized such as an aerial lift or elevated work platform; or
- (3) the employer can *demonstrate* that the requirements for a fall protection plan under Paragraph (i) of this *Rule* have been met.

(d) *Guardrail Systems*. The employer shall ensure that guard rail systems and their components that are utilized by employees as a means of *100% fall protection* conform to the criteria in [29 CFR 1926.502\(b\)](#) - *fall protection systems and criteria*

(e) *Personal Fall Arrest Systems (PFAS)*. The employer shall ensure that personal fall arrest systems and their components that are utilized by employees as a means of *100% fall protection* conform to the criteria in [29 CFR 1926.502\(d\)](#) - *fall protection systems and criteria*, and are utilized according to the manufacturer's recommendations. When utilized by employees as an anchorage as part of a *PFAS*, the employer shall ensure that step bolts and the attachment point to the structure are designed to meet the requirements of an approved anchorage in accordance with [29 CFR 1926.502\(d\)](#), and are designed to ensure the connector will not slip off the end of the step bolt.

(f) *Positioning Device System*. The employer shall ensure that *positioning device systems* and their components that are utilized by employees as a means of *100% fall protection* conform to the criteria in [29 CFR 1926.502\(e\)](#).

(g) *Ladder Safety Systems*. The employer shall ensure that, in addition to the applicable criteria in 29 CFR 1926, *Subpart X* - *stairways and ladders, ladder safety systems* and related support systems for fixed ladders that are utilized by employees as a means of *100% fall protection* conform to the following criteria: [Reference [paragraph \(g\)\(1\) - \(3\)](#)].

(h) *Fall Protection Plan*. This Paragraph applies when employees are working on a structure where no adequate tie-off anchorage point(s) exist, the *fall protection systems* described in Paragraph (c) of this *Rule* are not feasible or create a greater hazard, and the work can not be completed utilizing an *alternative means* of access to the work area such as an aerial lift or elevated work platform. If an employer *demonstrates* the foregoing conditions are present, then in addition to the criteria in [29 CFR 1926.502\(k\)](#), the employer shall conform to the following provisions:

- (1) The employer shall ensure that each employee under the *fall protection plan* has been *trained as a qualified climber*;
- (2) The *fall protection plan* shall be made *available and communicated* to exposed employee(s) prior to the employee(s) beginning work, and such *communication* shall be *documented*; and
- (3) The *fall protection plan* shall identify each location on the tower structure where *fall protection methods* as described in Paragraph (c) of this *Rule* cannot be used. As soon as adequate tie-off anchorage points or other *fall protection systems* can be established, the employer shall utilize any of the *fall protection systems* described in Paragraph (c) of this *Rule*.

(i) *Emergency and Rescue Procedures*. [Reference [paragraph \(i\)\(1\) - \(3\)](#)].

(j) *First Aid/CPR Training and Supplies.* In addition to the requirements of [29 CFR 1910.151](#) - *medical services and first aid*, and [29 CFR 1926.50](#) - *medical services and first aid*, the employer shall ensure that at least two employees on site are *trained* and hold *current certifications* in basic *first aid and cardiopulmonary resuscitation (CPR)* issued by the *American Red Cross* or any other organization whose standards are equivalent to the *American Red Cross*; provided, however, where there are only two employees on site, then an employer may comply with the requirements of this Paragraph if one employee is *trained* and holds *current certifications* in basic *first aid and CPR* and one employee has been *designated* by the employer as a probationary employee and has been employed for less than six months.

13 NCAC 07F .0606 - Nonionizing Radiation

Scope: This [standard](#) provides the requirements pertaining to nonionizing radiation.

Special Requirements: Federal Communications Commission (FCC), engineering controls, administrative controls, tagged out, locked out, LOTO devices, method, notified, checked, competent person, written control procedures, exposure, assess, exposure levels, written safety and health program, RF Safety Program, post temporary signage, RF protective clothing, PPE, references other standards

(a) *General.* Employers shall ensure that employees performing work on communication towers are not exposed to Radio Frequency (RF) Electromagnetic Fields in excess of the *Federal Communications Commission (FCC)* maximum permissible exposure (MPE) limits for *exposure* as prescribed in 47 CFR 1.1310.

(b) *Protection from Radiation Exposure.*

- (1) Employees shall not enter areas where *RF exposure levels* are above the general population/uncontrolled MPE's described in 47 CFR 1.1310 unless they understand the potential for exposure and can exercise control over the *exposure*.
- (2) *Control Procedures.* Prior to employees performing work in areas on a communication tower where *RF exposure levels* exceed the occupational/controlled MPE values stated in 47 CFR 1.1310, the employer shall enact and enforce *written control procedures* that provide for the reduction, elimination, avoidance or protection from such RF levels. These *written control procedures* shall include the following:
 - (A) Reducing the transmitter power to a level that ensures *RF exposure levels* in areas where employees are working do not exceed the occupational/controlled MPE values stated in 47 CFR 1.1310, and that the transmitter power level is not increased until all employees have ceased working in those areas. If this method is chosen, the transmitter power shall be *locked out and tagged out* at the reduced level by a *competent person* in accordance with [29 CFR 1910.147](#) - *the control of hazardous energy*. Prior to

removing *lock out/tag out* devices and restoring the original transmitter power level, all employees shall be *notified* and the work area shall be *checked* to ensure that all employees have been safely positioned and removed;

- (B) If the transmitter power level in areas where employees are working cannot be reduced and maintained at a level that ensures RF exposure levels do not exceed the occupational/controlled MPE values stated in 47 CFR 1.1310, the transmitter power shall be *locked out and tagged out by a competent person* in accordance with [29 CFR 1910.147](#) - *the control of hazardous energy*. Prior to removing *lock out/tag out* devices and restoring the transmitter power level, all employees shall be *notified* and the work area shall be *checked* to ensure that all employees have been safely positioned and removed;
- (C) If the transmitter power level can not be reduced or eliminated, an employer may permit its employees to access areas where the occupational/controlled MPE values stated in 47 CFR 1.1310 are exceeded if it implements *engineering or administrative controls* that comply with the *FCC's regulations* concerning such *exposure*, including limiting the duration of the exposure and utilizing monitoring equipment, *RF protective clothing* and other related *PPE*; or
- (D) If an employer cannot ensure that the conditions in Parts (A), (B) or (C), of this Subparagraph, are met, employees shall not be permitted to access areas where *RF exposure levels* exceed the occupational/controlled MPE values stated in 47 CFR 1.1310.

(c) *Use of Controls*. Prior to commencing work on a communication tower, a *competent person* shall assess potential RF hazards of areas which may be accessed by employees in the course of their work, and *post temporary signage* to indicate areas where the RF hazard exceeds the general population/uncontrolled MPE limits for exposure set forth in 47 CFR 1.1310. *Temporary signage* shall remain in place while work is performed and the hazard exists.

(d) *RF Safety Program*. When employees are exposed to RF fields in excess of the general population/uncontrolled MPE limits established in 47 CFR 1.1310 as a consequence of their employment, the employer shall develop, implement, and maintain a *written safety and health program* with site specific procedures and elements based on the electromagnetic radiation hazards present, in accordance with [13 NCAC 07F .0609\(g\)](#) - *training*.

13 NCAC 07F .0607 - Hoists and Gin Poles

Scope: This [standard](#) provides the requirements for hoists and gin poles.

Special Requirements: Marked, inspection (documented), testing, design, competent person, qualified person, maintenance, manufacturer, licensed professional engineer, documentation, training certification, operating manual, gin pole load chart, manufacturer specifications, stamped, monitoring, load limits, documentation, references other standards

(a) Hoists. Hoists used during the construction, alteration, repair, maintenance, or demolition of communication towers shall meet the following requirements:

[Reference [paragraph \(a\)\(1\) - \(4\)](#)].

- (1) All hoists shall meet the requirements set forth in this rule, 29 CFR 1910, [Subpart N](#) - *materials handling and storage*, and 29 CFR 1926, [Subpart N](#) - *helicopters, hoists, elevators, and conveyors*, where applicable.
- (2) All hoists shall meet applicable requirements for *design*, construction, installation, *testing*, *inspection*, *maintenance*, and operation as prescribed by the manufacturer, or a *licensed professional engineer*.
- (3) Employers shall maintain at the work site the *operating manual* developed by the manufacturer for the specific make and model hoist being used, as well as *documentation* for any *inspection, testing, and operator training certification* required by the rules in this Section,

(b) Gin Poles.

- (1) Rigging Equipment. [Reference [paragraph \(b\)\(1\)\(A\) - \(E\)](#)].
 - (A) Wire rope, slings, chains, shackles, turnbuckles, links, hooks, sheaves, rotating rooster heads, blocks, and hoists, used in a gin pole lifting arrangement shall meet the *manufacturer's safe working load limits*. In addition, each component shall have a nominal breaking strength of no less than five times the static load applied. Consideration for end fitting losses and actual positioning of connecting parts shall be given;
 - (B) Lugs or other devices for lifting or attaching the gin pole in position shall be *designed* with load and resistance factors appropriate for their intended use;
 - (C) Only alloy chains *marked* by the manufacturer with an *8, T, or an A*, *rated* for lifting, shall be used;
 - (D) Only quenched and tempered hooks and shackles shall be used. The *manufacturer's load rating* shall be *stamped* on the product; and
- (2) Gin Pole Use.
 - (A) A user's *gin pole load chart* shall be provided for each pole; [Reference [paragraph \(b\)\(2\)\(A\) - \(D\)](#)].
 - (B) Any special engineered pick, which is outside of the *load chart*, shall only be allowed at the direction of a *licensed professional engineer*. *Monitoring* and measuring conditions, as specified by a *licensed professional engineer*, shall be provided and used during all special engineered picks;

- (C) Modifications or repairs of a gin pole shall be made with like or similar materials to meet or exceed the original *specifications*. Modifications or repairs shall be *recertified by a licensed professional engineer*; and
- (3) Wire Rope. Wire rope used for rigging shall be as follows: [Reference [paragraph \(b\)\(3\)\(A\) - \(E\)](#).]
 - (B) Lubricated in accordance to *manufacturer specifications* to prevent corrosion and wear;
 - (C) End connections shall be terminated per industry and *manufacturer's specifications*;
- (4) *Inspections*.
 - (A) Gin poles shall have a *documented inspection annually by a qualified person*;
 - (B) In addition to the *annual inspection*, the employer shall *designate a competent person* who shall *visually inspect* the gin pole and rigging *prior to each use, and during use*, to make sure it is in safe operating condition. Any deficiencies shall be repaired before use continues;
 - (C) During each *inspection*, the *qualified or competent person* shall *inspect* the legs and bracing members for bends or distortion;
 - (D) During each *inspection*, the *qualified or competent person* shall *inspect* the straightness tolerances for the overall assembly (including leg and bracing members);
 - (E) During each *inspection*, the *qualified or competent person* shall *visually inspect* the welds for quality, deformation, cracks, rust, or pitting or loss of cross sectional area;
 - (F) During each *inspection*, the *qualified or competent person* shall *inspect* the members for excessive rust or pitting or loss of cross sectional area;
 - (G) During each *inspection*, the *qualified or competent person* shall *inspect* the sling attachment points for distortion, wear, cracks, and rust;
 - (H) During each *inspection*, the *qualified or competent person* shall ensure that proper bolts are utilized and all associated hardware is in good condition;
 - (I) During each *inspection*, the *qualified or competent person* shall *inspect* side plates on rooster heads for distortion or other damage;
 - (J) During each *inspection*, the *qualified or competent person* shall *inspect* all attachment hardware, including rigging and parts such as cables, slings, and sling attachment points, shackles, hooks, and sockets for wear, distortion, cracks, and rust; and
 - (K) During each *inspection*, the *qualified or competent person* shall ensure that all problems identified during the *inspection* are corrected before placing the gin pole into service.

13 NCAC 07F .0608 – Recordkeeping

Scope: This standard provides the requirements for recordkeeping.

Special Requirements: Records, tests, maintenance, calibration, analysis, material, program, references other standards

In order to fulfill responsibilities under the provisions of the *rules* in this Section, the employer shall, upon request, provide the *Deputy Commissioner of Labor* for Occupational Safety and Health or his designee access to the following *records*:

- (1) *Training Records*. All material related to the employer's *training and education program*, pursuant to [13 NCAC 07F .0609](#) - *training*.
- (2) *Medical Records and Non-Ionizing Radiation Exposure Records*. All medical records [in accordance to [29 CFR 1910.1020\(d\)\(1\)\(i\)](#) - access to employee exposure and medical records] and material related to each *analysis using exposure or medical records* (in accordance with [29 CFR 1910.1020\(d\)\(1\)\(iii\)](#)).
- (3) *Equipment Inspections and Testing Records*. All material related to the modification, repair, test, *calibration or maintenance service* of all equipment.

13 NCAC 07F .0609 – Training

Scope: This standard provides the training requirements.

Special Requirements: Approved, qualified person, training, retraining, training records, competency, written work procedures, manufacturers' operating manuals, operating procedures, instructed, fall protection training, inspecting, PPE, fall protection systems, materials, pictures, symbols, supervision, training program, instruction, references other standards

(a) In order for employees to work at heights above six feet on a communication tower, they must be *approved* for such work by a *qualified person*.

(b) *Competency of the Trainer*. *Training* of employees in communication tower work shall be performed by or under the *supervision of a qualified person*.

(c) *Written Work Procedures*.

- (1) The employer's *written work procedures* shall be provided to employees as part of their *training*.
- (2) *Pictures and symbols* may be used as a means of *instruction* if employee understanding is improved using this method.
- (3) *Manufacturers' operating manuals* for personnel hoisting systems satisfy the requirement for *operating procedures* for the respective equipment, or can serve as the basis for these *procedures*.

(d) *Hazardous Materials Training.* Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in [29 CFR 1926.55](#) - *Gases, vapors, fumes, dusts, and mists, and* [29 CFR 1910.1200](#) - *hazard communication*, as applicable.

(e) *Fall Protection Training.*

- (1) The employer shall provide a *training program* for each employee who might be exposed to fall hazards.
- (2) The *program* shall enable each employee to recognize the hazards of falling and shall *train* each employee in the *procedures* to be followed in order to minimize these hazards.
- (3) The employer shall ensure that each employee has been *trained* by or under the *supervision of a qualified person* in the following areas: [Reference [paragraph \(e\)\(3\)\(A\) - \(H\)](#)].

(f) *Hoist Operator Training.* The employer shall maintain *documentation* that the hoist operator has practical *training* on the hoist he is operating. *Training* of hoist operators shall meet the requirements of [29 CFR 1910.179](#) - *overhead and gantry cranes*, and [29 CFR 1926, Subpart N](#) - *helicopters, hoists, elevators, and conveyors*.

(g) *RF Training.* [Reference [paragraph \(g\)\(1\) - \(2\)](#)].

(h) *Retraining.* Unless stated otherwise in this *Rule*, when the employer or *qualified person* has reason to believe that any employee who has already been *trained* does not have the understanding and skill required to safely perform the work assigned, the employer shall *retrain* each such employee. Circumstances where *retraining* is required include situations where: [Reference [paragraph \(h\)\(1\) - \(3\)](#)].

(i) *Training Records.* [Reference [paragraph \(i\)\(1\) - \(5\)](#)].

13 NCAC 07F .0701 through .0716 - Blasting and Use of Explosives

[13 NCAC 07F .0701 through .0716](#) - Blasting and Use of Explosives provides additional requirements to those in 1926, [subpart U - blasting and use of explosives](#) applicable to North Carolina.

To learn if 13 NCAC 07F .0701 through .0716 applies to you, go to [Does "Blasting and Use of Explosives" Apply to You?](#)

Special Requirements

13 NCAC 07F .0703 - General Provisions

Scope: This standard provides the general provisions for blasting.

Special Requirements: Blaster, in charge, certified, in writing, qualified, consulted, evaluate, inventory, alternative provisions, competent person, signs, flags, directions, record, methods, notification, authorized person, notified, posted, flagged, measures, precautions, manufacturer's recommendations, supervised, safety guide, recommendations, references other standards

Additions and amendments to 29 CFR 1926.900 - General Provisions apply throughout the Rules in this Section as follows: [Reference .0703, paragraph (a) - (v)].

- (a) The employer shall permit only persons *qualified* pursuant to [§1926.901](#) - *blaster qualifications*, to handle and use explosives. A *blaster* shall be in *charge* of each blasting operation; hereafter, referred to as the Blaster-in-Charge.
- (c) See [1926.901\(b\)](#).
- (d) All explosives shall be accounted for at all times. Explosives not being used and not attended shall be kept in a magazine or container that meets the *U.S. Bureau of Alcohol, Tobacco and Firearms* (hereafter, *ATF*) storage and access requirements contained in [27 CFR Part 55](#), which is incorporated herein by reference, including any subsequent amendments and editions. Each employer shall maintain an *inventory and use record* of all explosives in that employer's possession. The employer, or employer *authorized person*, shall comply with all applicable *local, State and federal laws and regulations* requiring *notification* of any loss, theft, or unauthorized entry into a magazine or container.
- (g) Original containers, *ATF Type 2, Type 3, Type 4 or Type 5* magazines or *Institute of Makers of Explosives* (hereafter, *IME*) - *22 containers*, shall be used for taking detonators and other explosives from storage magazines to the blast site.
- (h) In proximity to people, a structure, railway, highway or any other installation, the *blaster* shall take additional *precautions* to control the throw of fragments and to prevent bodily injury to employees and people not working directly on the blasting operation. Such additional *precautions* shall be taken in the loading, delaying, initiation and confinement of each blast and shall include confinement with mats or with mats and other *methods*.
- (i) All blast site employees shall follow the *directions of the Blaster-in-Charge*. All blast site employees shall use and adhere to every *precaution* to ensure employee safety including, but not limited to, visual and audible *warning signals, flags, or barricades*.
- (k) *Precautions* shall be taken to prevent accidental discharge of electric detonators from current induced by radar, radio transmitters including 2-way radios and mobile telephones, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These *precautions* shall include: [Reference .0703, paragraph (k)(1) - (5)].

- (1) See Section [1926.906\(a\)](#) and [\(b\)](#) - *initiation of explosive charges - electric blasting.*
- (3)(i) The prominent display of adequate *signs*, *warning* against the use of mobile radio transmitters, (e.g., telephones and 2-way radios) on all roads within 1,000 feet of electric blasting operations. If adherence to the 1,000-foot distance would create an operational handicap, then a *competent person* (as defined in 29 CFR 1926 [Subpart L](#) - *scaffolds* and [Subpart P](#) - *excavations*) shall be consulted to *evaluate* the particular situation, and *alternative provisions* may be made which are designed to prevent any premature firing of electric detonators. A *description* of any such *alternatives* shall be reduced to *writing* and shall be *certified* by the *competent person consulted* as meeting the purposes of this subdivision. The *description* shall be maintained at the construction during the duration of the work, and shall be available for *inspection* by representatives of the Commissioner of Labor. (ii) Examples of *signs* which would meet the requirements of paragraphs (i) and (k)(3) of this section are the following:
 - (5) The *Blaster-in-Charge* shall comply with the *recommendations of IME* with regard to blasting in the vicinity of radio transmitters as stipulated in [Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators \(Blasting Caps\), IME Safety Library Publication No. 20, 2000](#), which is incorporated herein by reference, including any subsequent amendments and editions.
- (l) Empty boxes and associated paper and fiber packing materials, which have previously contained explosives, shall not be used for any purpose, other than that associated with the blasting operation. Such boxes, paper and packing materials shall be disposed of in a manner that prevents reuse and does not constitute a hazard. Disposal may include but shall not be limited to burning. The *method* used for disposal shall comply with all applicable *local, State or federal laws*.
- (n) Delivery and issue of explosives shall only be made by and to *authorized persons* (as defined in [27 CFR Part 55](#)) and into magazines or temporary storage or handling areas that meet the ATF storage requirements contained in [27 CFR Part 55](#).
- (o) Blasting operations in the proximity of overhead power lines, communication lines, utility services, or other services and structures shall not commence until the operators or owners have been *notified and measures* for safe control have been taken.
- (q) All loading and firing shall be directed and *supervised* by the *Blaster-in-Charge*.
- (r) All blasts shall be fired under the control of a *blaster*, with an initiation system in accordance with *manufacturer's recommendations*. All blasts shall be fired in accordance with the *manufacturer's recommendations*.
- (t) See [.900\(s\)](#). (1) See [.900\(s\)\(1\)](#). (2) See [.900\(s\)\(2\)](#). (3) See [.900\(s\)\(3\)](#). (4) See [.900\(s\)\(4\)](#). (5) See [.900\(s\)\(5\)](#). (6) See [.900\(s\)\(6\)](#).
- (u) To guard against unauthorized entry or initiation of a blast, a blast site shall be attended if loading is suspended or loaded holes are awaiting firing. Additionally, the

blast site shall be barricaded, *posted, and flagged* as necessary to prevent unauthorized access.

13 NCAC 07F .0704 - Blaster Qualification

Scope: This standard provides the requirements for blaster qualifications.

Special Requirements: Oral orders, written orders, blasters, evidence, authorized, qualified, blasting methods, instruct, competency, physical condition, references other standards

Additions and amendments to 29 CFR 1926.901 - *Blaster Qualifications* apply throughout the Rules in this Section as follows:

- (a) *Blasters* shall be able to understand and *give written and oral orders*.
- (b) *Blasters and others authorized* to handle or transport explosive materials or conduct blast site activities shall be in sufficiently good *physical condition* to perform the work safely and not be addicted to, or under the influence of, narcotics, intoxicants, or similar types of drugs.
- (c) *Blasters* shall be *qualified*, by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of *State, federal and local laws and regulations* which pertain to explosives.
- (d) *Blasters* shall be required by the employer to furnish *evidence* satisfactory to the employer of *competency* in handling explosives and performing in a safe manner the type of blasting that will be required.
- (e) *Blasters* shall be knowledgeable in the use of each type of *blasting method* used.
- (f) Pursuant to 29 CFR 1926.21(b) - *safety training and education*, the employer shall *instruct* each employee in the recognition and avoidance of unsafe conditions and the *regulations* applicable to the employee's work and work environment.

13 NCAC 07F .0705 - Surface Transportation of Explosives

Scope: This standard provides the requirements for surface transportation of explosives.

Special Requirements: DOT, licensed driver, publications, red flag, ABC rating, marked, approved, trained, laboratory, fire extinguisher, placarded, references other standards

Additions and amendments to 29 CFR 1926.902 - *Surface Transportation of Explosives* apply throughout the Rules in this Section as follows: [Reference .0705, paragraph (a) - (l)].

- (a) Surface transportation of explosives and blasting agents shall be in accordance with applicable *U.S. Department of Transportation (hereafter, DOT)*

regulations. Where *DOT regulations* do not normally apply (e.g., off-road vehicles), compliance shall be in accordance with either the directly related *DOT regulation* or [1926.902\(b\) through 1926.902\(1\)](#), as applicable. Where *DOT regulations* do not exist, [1926.902\(b\) through 1926.902\(k\)](#) apply.

- (b) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a *licensed driver*. The driver shall be familiar with the *local, State, and Federal regulations* governing the transportation of explosives.
- (d) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Blasting caps and detonators shall not be transported in the same vehicle with other explosives unless the provisions of the [IME Safety Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,"](#) which is incorporated herein by reference including subsequent amendments and editions, are followed.
- (f) When explosives are transported by a vehicle with an open body, an *ATF Type 2, ATF Type 3, IME 22* or original manufacturer's container shall be securely attached to the vehicle to contain the cargo.
- (h) Every motor vehicle or conveyance used for transporting explosives shall be *marked or placarded* on both sides, the front, and the rear with the word "Explosives" in red letters, not less than 4 inches in height, on white background. The motor vehicle or conveyance may also display, in such a manner that it will be readily visible from all directions, a *red flag* 18 inches by 30 inches, with the word "Explosives" painted, stamped, or sewed thereon, in white letters, at least 6 inches in height. (i) Each vehicle used for transportation of explosives shall be equipped with a fully charged *fire extinguisher*, in good condition (as described in [29 CFR 1926.150 - fire protection](#)). An extinguisher, *approved by a nationally recognized testing laboratory*, of not less than *10-ABC rating* will meet the minimum requirement. The driver shall be *trained* in the use of the extinguisher on the vehicle.

13 NCAC 07F .0706 - Underground Transportation of Explosives

Scope: This [standard](#) provides the requirements for underground transportation of explosives.

Special Requirements: Blaster-in-charge, signs, references other standards

Additions and amendments to [29 CFR 1926.903 - Underground Transportation of Explosives](#) apply throughout the Rules in this Section as follows: [Reference .0706, [paragraph \(a\) - \(q\)](#)].

- (b) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated by the *Blaster-in-Charge* to be necessary for the blast.
- (m) Any powder car or conveyance used for transporting explosives or blasting agents shall bear a *reflecting sign* on each side with the word

"Explosives". The sign's letters shall be a minimum of 4 inches in height and shall be on a background of sharply contrasting color.

- (n) Compartments for transporting detonators and explosives in the same car or conveyance shall meet *IME-22 container specifications* or shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

13 NCAC 07F .0707 - Storage of Explosives and Blasting Agents

Scope: This standard provides the requirements for storage of explosives and blasting agents.

Special Requirements: References other standards

Additions and amendments to [29 CFR 1926.904](#) - *Storage of Explosives and Blasting Agents* apply throughout the Rules in this Section as follows: [Reference .0707, paragraph (a) - (f)].

- (a) Explosives and blasting agents shall be stored in magazines or containers that meet the applicable provisions of the regulations contained in [27 CFR Part 55, Commerce in Explosives](#).

13 NCAC 07F .0708 - Loading of Explosives or Blasting Agents

Scope: This standard provides the requirements for loading of explosives or blasting agents.

Special Requirements: Procedures, blaster-in-charge, inventory, records, posted, flagged, MSHA, fume class, blaster, locked out, checked, determine, references other standards

Additions and amendments to [29 CFR 1926.905](#) - *Loading of Explosives or Blasting Agents* apply throughout the Rules in this Section as follows: [Reference .0708, paragraph (a) - (w)].

- (a) *Procedures* that permit safe and efficient loading shall be established by the *Blaster-in-Charge* or the employer before loading is started.
- (d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, remaining explosives and detonators shall be promptly moved to a safe location and attended or stored pursuant to ATF storage requirements contained in [27 CFR Part 55](#).
- (e) Drilling shall not be started until all visible butts of old holes are examined for unexploded charges, and if any are found, they shall be disposed of in accordance with [1926.911](#) - *misfires*, before work proceeds.
- (j) Power lines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents. The *blaster* shall assure that

cables in the proximity of loaded holes are deenergized and *locked out*. Additionally, when using electric detonators, the provisions of [1926.906\(b\) - Initiation of Explosive Charges](#), apply.

- (k) Holes shall be *checked* prior to loading to *determine* depth and conditions. Only those holes *determined by the Blaster-in-Charge* to be satisfactory shall be loaded.
- (m) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts, unless the work is performed in accordance with the *Mine Safety and Health Administration (MSHA) standards at 30 CFR 75* related to such environments, which are incorporated herein by reference, including subsequent amendments and editions, and unless the explosives have been approved as permissible explosives for use in gassy or dusty environments by *MSHA*.
- (n) No explosives other than those in *IME Fume Class 1* shall be used. However, explosives complying with the requirements of *IME Fume Class 2 and IME Fume Class 3* may be used if adequate ventilation has been provided to prevent explosive or hazardous substance hazards to employees.
- (s) Areas in which loading is suspended or loaded holes are awaiting firing shall be attended, and barricaded, *posted, or flagged* as needed to guard against unauthorized entry or initiation.
- (t) The *blaster* shall keep an accurate, up-to-date *record* of explosives, blasting agents, and blasting supplies used in each blast and shall keep an accurate running *inventory* of all explosives and blasting agents in the *blaster's* custody.

13 NCAC 07F .0709 - Initiation of Explosive Charges-Electric Blasting

Scope: This [standard](#) provides the requirements for the initiation of explosive charges for electric blasting.

Special Requirements: Blaster, survey, blaster-in-charge, manufacturer's recommendations, firing system, qualified person, rated capacity, tests, references other standards

Additions and amendments to [29 CFR 1926.906 - Initiation of Explosive Charges-Electric Blasting](#) apply throughout the Rules in this Section as follows: [Reference .0709, [paragraph \(a\) - \(s\)](#)].

- (c) In any single blast using electric detonators, all detonators shall be of the same style or function, and of the *same manufacture*.
- (d) Electric initiation shall be carried out by using blasting machines or power circuits in accordance with the *manufacturer's recommendations*.
- (e) When firing a circuit of electric detonators, an adequate quantity of delivered current must be available, in accordance with the *manufacturer's recommendations*.

- (n) When firing with blasting machines, the connections shall be made as *recommended by the manufacturer* of the electric detonators used.
- (o) The number of electric detonators connected to a blasting machine shall not be in excess of its *rated capacity*. A series circuit shall contain no more detonators than the limits *recommended by the manufacturer* of the electric detonators in use.
- (p) A *blaster* shall be *in charge* of the blasting machines.
- (q) A *blaster* shall test blasting circuits for: [Reference .0709, [paragraph \(q\)\(1\) - \(4\)](#)].
- (s) The *blaster* shall assure that all connections are made from the bore hole back to the source of firing current, and that the leading wires remain shorted, except during testing, and not connected to the blasting machine or other source of current until the blast is to be fired. Only the *blaster*, or a *qualified person* (as described in [1926.900\(a\)](#) - general provisions, and [1926.901](#) - blaster qualifications) under the direct control of the blaster, shall make lead wire connections or fire the shot.

13 NCAC 07F .0710 - Use of Safety Fuse

Scope: This [standard](#) provides the requirements for the use of a safety fuse.

Special Requirements: hand lighting methods, references other standards

Additions and amendments to [29 CFR 1926.907](#) - Use of Safety Fuse apply throughout the Rules in this Section as follows: [Reference .0710, [paragraph \(a\)\(- \(i\)\)](#)].

- (i) At least two people shall be present when multiple cap and fuse blasting is done by *hand lighting methods*.

13 NCAC 07F .0711 - Use of Detonating Cord and Shock Tube

Scope: This [standard](#) provides the requirements for the use of detonating cord and shock tube.

Special Requirements: Competent, manufacturer's recommendations, practice, inspected, references other standards

Additions and amendments to [29 CFR 1926.908](#) - Use of Detonating Cord and Shock Tube apply throughout the Rules in this Section as follows: [Reference .0711, [paragraph \(a\) - 9k](#)].

- (e) Detonating cord connections, shock tube connections and splices shall be competent and positive in accordance with the *manufacturer's recommendations*. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry. Down-the-hole shock tube splices are prohibited.

- (g) All detonating cord connections, shock tube connections and splices shall be *inspected* before firing the blast.
- (h) When detonating cord or shock tube millisecond-delay connectors or short-interval-delay electric detonators are used with detonating cord or shock tube, the *practice* shall conform strictly to the *manufacturer's recommendations*.

13 NCAC 07F .0712 - Firing the Blast

Scope: This [standard](#) provides the requirements for firing the blast.

Special Requirements: Blaster-in-charge, signals, code, guards, flagman, danger signs, posting, authorized employees, blaster, checked, familiarize, references other standards

Additions and amendments to [29 CFR 1926.909](#) - *Firing the Blast* apply throughout the Rules in this Section as follows:

- (a) The *Blaster-in-Charge* shall establish a *code of blasting signals* and all blast site employees shall *familiarize* themselves with and conform to the *code*. As a minimum, the *code* shall:
 - (1) contain audible pre-blast and audible all clear *signals*, and
 - (2) contain an emergency method for *guards, flagmen, or other authorized employees* to signal "do not fire", and
 - (3) prohibit sounding of the all clear *signal* until the *blaster* has *checked* the blast site for misfires. [Table U-1](#) is an example of a *code of blasting signals* that would meet these requirements. Further, the *Blaster-in-Charge* shall require the placement of *Danger signs and posting of the blasting signals* when personnel not associated with the blasting operation are within the blast area.
- (b) Before a blast is fired, the *Blaster-in-Charge* shall make certain that all surplus explosives are in an area meeting the ATF explosive storage requirements contained in [27 CFR 55](#) and that all persons are at a safe distance, or under sufficient cover.
- (c) *Flagmen* shall be safely stationed on highways which pass through the blast area so as to stop traffic during blasting.
- (d) The *Blaster-in-Charge* shall fix the time of blasting.
- (e) Before firing an underground blast, *warning* shall be given, and all possible entries into the blast area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded to prevent entry into the area. The *Blaster-in-Charge* shall make sure that all surplus employees have been removed from the blast area and that all personnel are out of the blast area.

13 NCAC 07F .0713 - Inspection After Blasting

Scope: This [standard](#) provides the requirements for inspecting after blasting.

Special Requirements: Inspect, blaster, references other standards

Additions and amendments to [29 CFR 1926.910](#) - *Inspection After Blasting* apply throughout the Rules in this Section as follows:

- (b) Sufficient time shall be allowed, not less than 15 minutes in tunnels, for the smoke and fumes to dissipate before returning to the blast site. Subsequently, the *blaster* shall *inspect* the blast site and surrounding rubble for signs of misfires. If a misfire is found, employee access to the blast area shall be controlled pursuant to [1926.911](#) - *misfires*. Where fumes, fire, or dust are a potential hazard (e.g., in tunnels), the muck pile shall be wetted down prior to general employees returning to the blast site.

13 NCAC 07F .0714 – Misfires

Scope: This [standard](#) provides the requirements for misfires.

Special Requirements: Blaster-in-charge, assess, approves, determine, inspect, manufacturer's recommendations, guidelines, competent, references other standards

Additions and amendments to [29 CFR 1926.911](#) - *Misfires* apply throughout the Rules in this Section as follows:

- (a) If a misfire is found, the *Blaster-in-Charge* shall invoke sufficient safeguards to exclude all employees from the potential blast area.
- (b) No work shall be done except that necessary to remove the hazard of the misfire. Only those employees necessary to do the work shall enter the potential blast area. Only the *Blaster-in-Charge*, and the absolute minimum number of *competent*, personnel (as defined in 29 CFR 1926 [subpart L](#) - *scaffolds*, and [subpart P](#) - *excavations*), necessary to assess the situation shall approach the hole to *inspect* the misfire.
- (c) The *Blaster-in-Charge* shall *determine* the safest steps for removing the hazard of the misfire. During development and implementation of these steps, the *Blaster-in-Charge* shall comply with the *manufacturer's recommendations*. Further, the [guidelines of the Safety in the Transportation, Storage, Handling and Use of Explosive Materials, IME Safety Library Publication No. 17](#), which is incorporated herein by reference, including any subsequent amendments and editions, shall be utilized.
- (d) If there are any misfires while using safety fuse and blasting cap, all employees shall remain out of the potential blast area for at least 30 minutes. If electric detonators, shock tube, gas tube or detonating cord systems or materials were used and a misfire occurred, the waiting period may be reduced to 15 minutes. In either case, the *Blaster-in-Charge* shall *assess* the circumstances and invoke a safe

waiting period before allowing any personnel to enter the potential blast area. All lines shall be carefully traced and a search made for unexploded charges.

- (e) No drilling, digging, or picking shall be permitted until all misfires have been detonated or the *Blaster-in-Charge* approves the work.

13 NCAC 07F .0715 - Underwater Blasting

Scope: This [standard](#) provides the requirements for underwater blasting.

Special Requirements: Approval, blaster-in-charge, methods, warning signals, notified, blaster, determine, references other standards

Additions and amendments to [29 CFR 1926.912](#) - *Underwater Blasting* apply throughout the Rules in this Section as follows: [Reference .0715, [paragraph \(a\) - \(h\)](#)].

- (a) In underwater blasting, no shot shall be fired without the *approval of the Blaster-in-Charge*.
- (d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blast site. Those on board vessels or craft moored or anchored within 1,500 feet shall be *notified* before a blast is fired. Note: The *warning signals* and personnel safety provisions of [1926.909](#) - *firing the blast*, also apply.
- (h) Prior to firing the blast, the *blaster* shall *determine* the *method(s)* that will be used for detecting misfires and take preparatory steps (e.g., noting obvious indications of misfire, attaching float(s) that will be released by the firing, staging underwater cameras, or other appropriate means). Misfires shall be handled in accordance with the requirements of [1926.911](#) - *misfires*.

13 NCAC 07F .0716 - Blasting in Excavation Work Under Compressed Air

Scope: This [standard](#) provides the requirements for blasting in excavation work under compressed air.

Special Requirements: References other standards

Additions and amendments to [29 CFR 1926.913](#) - *Blasting in Excavation Work Under Compressed Air* apply throughout the Rules in this Section as follows: [Reference .0716, [paragraph \(b\)](#)].

- (d) See [1926.900\(a\)](#) - *general provisions*, and [1926.901](#) - *blaster qualifications*.

13 NCAC 07G .0101 - [Handling of Antineoplastic Agents](#)

13 NCAC 07G .0101 - Handling of Antineoplastic Agents states that the recommendations contained in the NIOSH Alert on the handling of antineoplastic agents are incorporated by reference, including subsequent amendments and editions; applicable in North Carolina.

To learn if 13 NCAC 07G .0101 applies to you, go to [Does the "Handling of Antineoplastic Agents" Apply to You?](#)

Special Requirements

13 NCAC 07G .0101 - Handling of Antineoplastic Agents

Scope: This [standard](#) applies to the handling of antineoplastic agents.

Special Requirements: Recommendations, NIOSH Alert, references other standards

(a) The following *recommendations* with respect to the handling of antineoplastic agents are *incorporated by reference*, including subsequent amendments and editions:

The *recommendations* issued by the *National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC)*, as contained in the *Alert: Preventing Occupational Exposure to Antineoplastic and Other Hazardous Drugs in Health Care Settings*, as published in 2004. Copies of the 2004 NIOSH Alert and subsequent amendments may be accessed at no charge

at <http://www.cdc.gov/niosh/docs/2004-165/>. (b) For enforcement purposes, nothing in this Rule is intended to supersede *federal regulations* adopted and enforced by the *North Carolina Department of Labor or state-specific rules codified in the North Carolina Administrative Code*. (c) Where the *NIOSH recommendations* are inconsistent with *State or federal laws, regulations, or rules*, compliance with the *State or federal law, regulation, or rule* shall be accepted in lieu of compliance with the *NIOSH recommendations*. **Note:** The [NIOSH Alert](#) was archived 1/7/2026; superseded by [2025-103](#).

[**Additional Assistance on North Carolina State-Specific Standards**](#)

If the employer still has questions regarding the OSHA standards or North Carolina state-specific standards, they can submit an inquiry about safety and health requirements to Ask OSH through the [online form](#) or by phone at 919-707-7876.

Resource information can be found on the [safety and health topics pages](#). In addition, the webpages for [Which OSHA Standards Apply](#) and [OSHA Standards With Special Requirements](#) can assist the employer with applicable OSHA standards and special requirements.

Example safety and health [programs](#) ([table](#) of standards requiring programs, plans and procedures in general industry; [table](#) of standards requiring inspections in general industry; [table](#) of standards requiring programs, plans and procedures in construction; [table](#) of standards requiring inspections in construction) and [presentations](#) ([table](#) of standards requiring training in general industry; [table](#) of standards requiring training in construction); [pre-recorded webinars](#); along with [publications](#) are available to assist the employer in meeting standards requirements. Specifically, the brochure on [top ten most frequently cited serious violations](#) can be useful in identifying frequently cited violations by industry. For more information regarding the required state and federal workplace posters, go to the [NCDOL State and Federal workplace posters](#) webpage.

The [NCDOL Library](#) also offers free safety and health videos and related research assistance on consensus standards (i.e., ANSI, NFPA, NEC). The education, training and technical assistance bureau provides [free online safety and health training](#) and [outreach services](#) (i.e., speaker's bureau requests, safety booths) upon request. In addition, the [consultative services bureau](#) provides free confidential on-site employer assistance.

Special Emphasis Programs

The North Carolina Special Emphasis Programs (SEPs) are part of the NC OSH Division's five year strategic management plan for which its two principal goals are: 1) to reduce the state's workplace fatality rate by at least 2%; and 2) to reduce the state's non-fatal injury and illness rate by at least 5%. For each SEP that applies to a specific industrial sector, similar goals for reducing the fatality rate and/or non-fatal injury and illness rate are applied.

Special Emphasis Programs

What is a Special Emphasis Program?

From the context of occupational safety and health, a special emphasis program (SEP) is a concerted effort for which the goals are:

- To reduce or eliminate fatalities overall and within specific industry sectors;
- To reduce injury and illness rates in specific business sectors to levels below the national average for those sectors; and
- To reduce or eliminate employee exposure to specific types of hazards.

What SEPs are currently in effect in North Carolina?

The special emphasis programs in effect in North Carolina are part of the OSH Division five-year strategic management plan. The SEPs currently in effect or added as part of the next five-year strategic management plan are listed below with links provided to the corresponding safety and health topic page:

- [Amputations Special Emphasis Program](#)
- [Construction Special Emphasis Program](#)
- [Food Manufacturing Special Emphasis Program](#)
- [Health Hazards Special Emphasis Program](#) (see [Lead](#), [Isocyanates](#), [Hexavalent Chromium](#), [Silica](#), [Beryllium](#))
- [Long Term Care Special Emphasis Program](#)
- [Logging and Arboriculture Special Emphasis Program](#)
- [New! Struck-By Special Emphasis Program](#)
- [Warehousing and Storage and Related Product Distribution Special Emphasis Program](#)

How does the OSH Division conduct a Special Emphasis Program?

Each of the bureaus in the OSH Division has designated responsibilities within each SEP.

- The East and West Compliance Bureaus conduct [enforcement activity](#) targeted at covered industries to ensure compliance with occupational safety and health rules and regulations towards the goal of reducing or eliminating employee exposure to the focus hazards of that SEP.
- The [Consultative Services Bureau](#) (CSB) conducts on-site visits and audits to assist employers that voluntarily seek help in identifying and eliminating hazards and improving their overall safety and health programs.
- The Education, Training and Technical Assistance (ETTA) Bureau provides [outreach training](#) for each SEP to assist employers to identify and abate hazards in the workplace and to learn the requirements of applicable OSH standards.
- The Planning, Statistics and Information Management (PSIM) Bureau develops targeting schedules for each SEP to better allocate compliance resources and provides the SEP team leaders with updated injury and illness incidence rates to assist them in determining the impact of that focus.

What are the various types of emphasis programs?

- National Emphasis Program ([NEP](#))
 - Apply to all Federal OSHA Regions
 - State Plan States required to implement the same or equally effective emphasis programs
- Local Emphasis Program ([LEP](#))
 - Administered by Federal OSHA
 - Designed and implemented at regional office and/or area office level

- Intended to address hazards or industries that pose a particular risk to workers in the office's jurisdiction
- Accompanied by outreach
- Apply only to states under Federal OSHA jurisdiction
- North Carolina Special Emphasis Program ([SEP](#))
 - May be identical to OSHA NEP or LEP
 - Often unique to circumstances in North Carolina (OSHA state plan state)