

**North Carolina**

**State OSHA Annual Report (SOAR)**

**Fiscal Year 2021**



**December 10, 2021**

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## PART I - STRATEGIC PLAN OVERVIEW

### Program Outcome Goals

On October 1, 2018, North Carolina began its fifth five-year planning cycle as documented in the Strategic Plan (SP). The five-year SP ending on September 30, 2023, includes two primary outcome goals:

- Reduce the rate of workplace fatalities by 2%
- Reduce the rate of workplace injuries and illnesses by 5%

### Outcome Goals Results

	Baseline	2018	2019	2020	2021	2022	Reduction
Fatality Rate	.00102	.00079	.00102	.00187	N/A		
Injury & Illness Rate	1.4	1.4	1.3	1.3	N/A		

### Areas of Emphasis Outcome Goals

- Reduce the construction industry fatality rate by 2% by the end of FY 2023
- Reduce the fatality rate in logging and arboriculture by 2% by the end of FY 2023
- Reduce the days away, restricted, or transferred (DART) rate for grocery and related product wholesalers by 5% by the end of FY 2023
- Reduce the DART rate in long term care by 5% by the end of FY 2023
- Support the overall outcome goal of reducing workplace injury and illness rate by 5% by the end of FY 2023 by addressing specific health hazards in the workplace
- Reduce the DART rate in food manufacturing by 5% by the end of FY 2023
- Reduce the number of Amputations in support of the overall outcome goals of reducing the rate of workplace injuries and illnesses by 5% by the end of FY 2023

### Areas of Emphasis Activity Goals

- Conduct inspections, consultative surveys and train employers and employees as documented for each area of emphasis

### State Demographic Profile

Sector	Establishments	Employees
Total Private Industry	298,305	4,321,031
Total Public Sector	6,455	613,988

\* Data only available through the 2<sup>nd</sup> Quarter of FY 2021

## **Goal Setting Process**

- Evaluate injury, illness, and fatality data
- Secure input from stakeholders
- Establish five-year outcome goals
- Select areas of emphasis and strategies to impact achievement of outcome goals
- As described in Administrative Procedure Notice (APN) 19, Strategic Management Plan Committee Activity, create a committee of division employees in each area of emphasis to manage the strategic planning process
- Determine level of activity for each emphasis area
- Share progress on achieving goals with staff on a monthly basis
- Alter strategies, if outcome goals are not being reached
- Evaluate the process

## **Areas of Emphasis**

North Carolina's strategy for reducing injury, illness, and fatality rates is based on addressing specific areas that have the greatest impact on the overall rates. The areas of emphasis in the current Strategic Plan include:

- Construction
- Logging and Arboriculture
- Grocery and Related Product Wholesalers
- Long Term Care
- Exposures for Health Hazards (asbestos, lead, isocyanates, silica, hexavalent chromium)
- Food Manufacturing
- Amputations

## **Strategic Activity to Support Outcome Goals**

- Improve safety and health programs through compliance, consultation, and training
- Expand safety and health recognition programs
- Develop construction partnerships at high profile construction sites
- Establish alliances in the areas of emphasis
- Implement Special Emphasis Programs (SEPs) for selected industries with specific intervention guidelines and activity goals
- Track activity and outcome goals monthly and share status with staff
- Conduct quarterly meetings for each area of emphasis committee

## **Factors Affecting Achievement of Outcome Goals and Strategic Activity Goals**

- Insufficient federal funding requiring the elimination or freezing of positions
- Number of trained division personnel released to provide division intervention
- Need to maintain vacant positions in response to budget uncertainty

- Turnover rate and the loss of experienced compliance safety and health officers (CSHOs)
- Response to Hurricane Florence required diversion of resources
- Strategies employed within each area of emphasis
- Resources committed to the areas of emphasis

**Program Statistics**

<b>Fatality Totals</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Total</b>	49	54	79*	87**		
Construction	24	18	26	18		
Manufacturing	7	9	14	11		
Public Sector	4	4	5	14		
Logging/Arboriculture	5	6	8	6		
Hispanic	11	12	21	17		
Overall Rate	.00079	.00102	.00187	TBD*		

<b>Injury and Illness Rates</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
TRC (All)	2.6	2.5	2.2			
DART(All)	1.4	1.3	1.3			
Public Sector TRC	3.9	3.8	3.0			
Public Sector DART	1.8	2.0	1.7			

<b>Intervention Statistics</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Inspections	2,928	2,116	2,218		
Inspection Goals	2,994	2,028	1,832		
Consultation Visits	1,692	1,269	1,425		
Consultation Goals	1,370	1,012	925		
Trained	13,696	12,420	7,597		
Training Goals	9,600	7,350	7,350		

<b>Compliance Activity</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Serious Violations	3,511	2,537	2,495		
Willful Violations	21	9	23		
Average Serious Penalty	\$1,783	\$1,883	1,901		
Follow-ups	106	57	65		

**\*Includes 16 work-related COVID-19 fatalities**

**\*\*Includes 32 work-related COVID-19 fatalities**

**PART II - REVIEW OF SPECIFIC OUTCOME GOALS AND ACTIVITIES IN AREAS OF EMPHASIS**

**1.1 Reduce Construction Industry Fatality Rate Statewide by 2% by the end of FY 2023**

Significant safety and health strides have been made reducing the fatality rate in the construction industry. During the last strategic planning cycle, the construction fatality rate increased. The construction industry continues to have a high number of workplace accidents compared to other industries, and this can have a significant impact on the state’s overall outcome goals of reducing injury, illness and fatality rates.

**Strategies for Achieving Specific Outcome Goal**

- Conduct Occupational Safety and Health Division (OSH) compliance, consultation, and training interventions and outreach
- Utilize inspection guidelines established for the construction industry
- Maintain strong working relationships with construction industry groups through partnerships, alliances and other outreach efforts
- Identify high fatality, high activity counties for special emphasis on an annual basis
- Re-inspect those employers with workplace fatalities
- Use informal settlement agreements to require employers to attend construction training
- Provide Hispanic outreach personnel to conduct construction training in Spanish
- Establish partnership agreements at high visibility construction sites
- Develop Spanish language publications and training materials specific to construction
- Distribute outreach letters and training materials for companies cited for five or more serious violations.
- Promote recognition programs such as Building Sub-Contractor Star and SHARP
- Conduct consultative blitzes in high fatality and activity counties
- Inspect all cranes operating on construction sites
- Utilize mobile training unit “Labor One” for on-site training as requested
- Analyze statistical data to confirm validity of inspection targeting process
- Develop materials and training presentations specific to the construction industry

<b>Outcome</b>	<b>Baseline</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Fatalities	73	18	26	18		
Rate	.00101	.0078	.0113	.0013*		
Hispanic	N/A	8	10	10		

<b>Construction</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Inspections	1,682	1,283	1,190			
Goals	1,050	1,050	1,050			
Consultation	501	409	437			
Goals	200	250	250			
Trained	2,293	1,346	814			
Goals	2,500	1,750	1,750			

**1.2 Decrease Fatality Rate in Logging and Arboriculture by 2% by the End of FY 2023**

The State has had success in reducing the number of fatalities in logging and arboriculture.

The SEP for logging was initiated in FY 1994. This was in response to 13 logging fatalities in FY 1993. Experience has shown that a reduction in OSH activity can translate into an increase in the number of injuries and fatalities in this industry. For this reason, and the industry’s fatality history, logging Northern American Industry Classification System (NAICS 11331) and arboriculture (NAICS 56173) remain in the Strategic Plan.

**Strategies for Achieving Specific Outcome Goal**

- Place increased emphasis on tracking specific injuries and fatalities on a monthly basis. If there is an increase in injuries and fatalities, additional resources could be allocated including inspection and focused training events
- Increase employer and employee awareness of regulatory requirements and safety and health work practices
- Change employer and employee behavior to improve job safety and health through education, consultation, and compliance interventions
- Establish and maintain strong working relationships with industries, associations, groups, and key individuals through alliances and other outreach efforts
- Continue use of meaningful safety and health programs with site specific safety training such as the Pro Logger training
- Develop materials and training presentations specific to the industry
- Focus training events and outreach to specific problem areas such as tree felling
- Evaluate SEP strategies to maintain effectiveness
- Utilize guidance documents that address workplace hazards that are common to the industry

<b>Outcome</b>	<b>Baseline</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Fatalities	5	6	6	6		
Rate	.02486	.0156	.0155	.0026*		

<b>Logging</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Inspections	39	28	34			
Goals	60	30	30			
Consultation	28	21	17			
Goals	13	13	15			
Trained	382	65	180			
Goals	150	75	75			

**2.1 Reduce the DART Rate in Grocery and Related Product Wholesalers (NAICS 4244) by 5% by the end of FY 2023**

The State’s strategic planning process includes statistical analysis to determine which industry groups have high injury and illness rates that could affect the state’s goal of reducing the overall injury and illness rate. The baseline rate for grocery and related product wholesalers is 3.5 which was more than twice the overall DART rate of 1.3. For this reason, this industry remains

as an area of emphasis in the current SP. Operational Procedure Notice (OPN) 145 was updated to provide guidance in identifying hazards and completing inspections in the grocery industry. The most recent industry DART rate is less than the baseline.

**Strategies for Achieving Specific Outcome Goal**

- Provide OSH compliance, consultation and training interventions
- Determine activity levels for OSH intervention
- Determine need for a grocery hazard alert and other industry specific training materials
- Evaluate inspection data to determine if there are any industry trends that should be addressed
- Advance alliances with industry trade groups
- Expand recognition programs such as Carolina Star and SHARP programs
- Evaluate employer’s safety and health program during intervention and recommend improvements

<b>Outcome</b>	<b>Baseline</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
DART	3.5	3.4	3.3	3.1		

<b>Grocery</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Inspections	23	16	27		
Goals	20	14	15		
Consultation	4	0	8		
Goals	3	0	3		
Trained	7	23	16		
Goals	25	18	40		

**2.2 Reduce the DART Rate in Long-Term Care (LTC) by 5% by the end of FY 2023**

While progress has been made in this industry group during previous planning cycles, the baseline rate of 3.9 was still more than twice the overall DART rate. For this reason, the LTC (NAICS 623) emphasis area has been carried over from the previous strategic plan. The most recent DART rate is below the baseline.

**Strategies for Achieving Specific Outcome Goal**

- Conduct OSH compliance, consultation, and training interventions
- Develop and maintain alliances in LTC including the public sector
- Advance ergonomics guidelines during OSH interventions
- Address elements of long-term care intervention contained in OPN 132 including bloodborne pathogens, tuberculosis, ergonomics, slips, trips, falls, and workplace violence
- Develop materials and training presentations specific to the industry
- Distribute outreach material through direct contact with affected employers
- Properly code inspections for accurate tracking of activity at specific work sites



- Develop procedures to reduce workplace violence in LTC facilities

Outcome	Baseline	2018	2019	2020	2021	2022
DART	3.9	3.3	3.4	7.2*		

Long Term Care	2019	2020	2021	2022	2023	Total
Inspections	58	27	44			
Goals	48	29	24			
Consultation	66	30	44			
Goals	40	21	10			
Trained	442	15	46			
Goals	50	25	40			

**\*The DART within this industry was significantly impacted due to the COVID-19 pandemic.**

### **2.3 Conduct Emphasis Inspections, Training, and Consultation Activity in Establishments Where Employees Might be Exposed to Health Hazards Such as Lead, Silica, Asbestos, Hexavalent Chromium and Isocyanates**

The State has established a special emphasis program to address health hazards in the workplace. The current health hazards include lead, silica, asbestos, hexavalent chromium, and isocyanates. Tracking mechanisms have not been developed to allow for the establishment of specific outcome measures in this area of emphasis. The State will continue to monitor the progress of Federal OSHA in developing reliable outcome measures for health issues. A reduction in illnesses relating to the emphasis health hazards identified could influence the primary outcome goal of reducing the overall injury and illness rate by 10% during the five-year cycle of the strategic plan.

#### **Strategies for Affecting Overall Outcome Goals through Elimination of Health Hazards**

- Pursue OSH compliance, consultation and training interventions
- Conduct follow-up inspections where overexposure was initially detected
- Develop hazard alerts, training materials and industry guides for specific health hazards
- Provide consultative support on chemicals identified in health hazards SEPs
- Research and review site specific data sources that could be used to identify employers having or potentially having health hazard exposures
- During interventions, identify workplace activities where health hazards may be present
- Secure information from other agencies concerning possible employee overexposure
- Utilize specific inspection procedures described in OPN 135

<b>Health Hazards</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Inspections	144	86	97			
Goals	100	90	75			
Consultation	245	169	169			
Goals	200	135	125			
Trained	795	238	388			
Goals	400	280	300			

#### **Inspections with Detectable Results**

<b>Hazard</b>	<b>Inspections</b>	<b>Samples</b>	<b>Overexposures (Inspections)</b>	<b>Overexposures (Samples)</b>
Silica	7	66	6	22
Lead	12	26	2	4
Asbestos	5	9	0	0
Cr (VI)	6	7	0	0
Isocyanates	5	9	0	0
<b>Totals</b>	<b>35</b>	<b>117</b>	<b>8</b>	<b>26</b>

#### **2.4 Reduce the DART Rate in Establishments in Food Manufacturing (NAICS 311) by 5% by the end of FY 2023**

The strategic planning process is intended to allocate resources in those areas of emphasis with above average injury and illness rates in an attempt to impact the overall State injury and illness rate. The Food Manufacturing (NAICS 311) DART rate was 2.5 in FY 2017 which was more than the overall DART rate of 1.3. For this reason, food manufacturing was carried over to the current five-year Strategic Management Plan. The baseline rate for this industry is 2.6 which is the five-year average DART rate for the period 2012-2016. Operational Procedure Notice 140 was updated for food manufacturing and to provide specific inspection guidelines. The most recent DART rate is below the baseline.

#### **Strategies for Achieving Specific Outcome Goal**

- Give special attention to the OSHA recordkeeping process at each site visited
- Interview a sufficient number of employees to confirm accuracy of OSHA 300 log entries
- Develop educational materials and training presentations specific to this industry
- Provide consultation and technical assistance at sites covered by this area of emphasis
- Conduct inspections addressing industry hazards identified in OPN 140
- Utilize ergonomics inspection procedures to determine the appropriate response when ergonomic hazards may exist
- Consider inspection of additional company sites on targeting schedules when three or more

serious violations are identified

- Ensure that all CSHOs are sufficiently trained to recognize hazards associated within the food manufacturing industry

Outcome	Baseline	2018	2019	2020	2021	2022
DART	2.6	2.2	2.1	3.0*		

Food	2019	2020	2021	2022	2023	Total
Inspections	42	41	50			
Goals	40	40	20			
Consultation	26	16	16			
Goals	12	12	12			
Trained	14	23	32			
Goals	25	25	40			

**\*The DART within this industry was significantly impacted due to the COVID-19 pandemic.**

## **2.5 Reduce the number of Amputations in support of the overall outcome goals of reducing the rate of workplace injuries and illnesses by 5% by the end of FY 2023**

The first year of any new addition to the SP is designated as a planning year. FY 2019 was a planning year for Amputations. A strategic management plan committee was established to manage the planning process. This includes developing strategies to achieve established goals and determining the appropriate activity level for department intervention including compliance activity, consultation, and training. In FY 2019, Operational Procedure Notice (OPN) 149 was developed to provide guidance for conducting amputation SEP inspections

### **Strategies for Achieving Specific Outcome Goal**

- Meet quarterly to monitor and review the reported results related to Amputations by OSH bureaus
- The SEP Committee Chair will prepare and distribute biannually to the Compliance Bureau supervisors a summary of the reported Compliance inspections any trends or hazard trends identified
- Evaluate information and procedures in the FOM, OPNs, and other department reference materials and make recommendations for revisions to these documents as it relates to Amputations
- Develop an OPN for Amputations during the planning period

<b>Amputation</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Inspections	planning year	129	160		
Goals	planning year	105	100		
Consultation	planning year	124	175		
Goals	planning year	100	80		
Trained	planning year	365	690		
Goals	planning year	400	400		

### **PART III – SPECIAL ACCOMPLISHMENTS: FEDERAL FISCAL YEAR 2021**

Due to COVID-19, the NC Department of Labor’s (NCDOL) Occupational Safety and Health (OSH) Division staff began working remotely in the middle of March 2020 and continued a hybrid remote/office plan through FY 2021. Many inspections, training and outreach, recognition program events, Star site visits and consultation activities were cancelled, postponed and/or conducted virtually. The pandemic had an impact on the FY 2021 activity goals that were submitted to OSHA, in July 2020, as part of the 23g and 21d grant applications. Despite the pandemic related adjustments to activity goals, the OSH Division was able to provide comprehensive services to the employers and employees of North Carolina.

- North Carolina (NC) native, Josh Dobson, was elected in November as the 18th State Labor Commissioner and officially sworn into office on January 2, 2021. His first experience in state government came as a correctional officer at the NC Department of Corrections, now known as the Department of Public Safety. He also previously served at the NC General Assembly representing the 85th district for eight years, as well as several years on the McDowell County Board of Commissioners. He has indicated that he will work with businesses, workers, and other stakeholders to do all we can to make sure employees are safe at work.
- North Carolina’s Total Recordable Case (TRC) rate for Calendar Year (CY) 2020 is at historic low levels. The private sector TRC rate was 2.2 and the Days Away, Restricted, or Transferred (DART) rate was 1.3. These rates are 22% lower and 24% lower, respectively, than the national average. When the public sector numbers are included, the overall TRC rate was 2.2 and the DART rate was 1.3. These rates are 24% lower and 28% lower, respectively, than the national rates.
- The OSH Division is still investing in resources to source, secure and distribute personal protective equipment and disinfecting supplies to OSH staff to ensure their safety and health while maintaining critical operations and services throughout the State.
- COVID-19 rapid test kits were supplied to all field offices as an additional precautionary measure to help manage any potential spread of the virus. Each office received a box of 40 test kits and additional kits are in stock, if needed.

- The OSH Division received and responded to 3,173 COVID-19 related emails and phone calls in FFY 2021.
- The OSH Division spent many hours collaborating with and assisting other NC agencies lending their expertise and knowledge to employers that have been adversely affected by the pandemic.
- Due to COVID-19, the OSH Complaint Desk continued to process almost twice the normal number of complaints and referrals that usually come into the office. Additional assistance was provided by the East and West Compliance Bureaus to ensure the large volume of complaints received could be processed and addressed in a timely manner.
- OSH participated on an interagency task force with the North Carolina Department of Human Services (NCDHHS), North Carolina Department of Agriculture (NCDA) and the Centers for Disease Control (CDC). The purpose of this task force was to evaluate efforts by meat and poultry companies in NC to comply with recommendations by various government entities due to the COVID-19 pandemic. This included conducting in-person site visits to companies during the year.
- The Agricultural Safety and Health (ASH) Bureau has been working closely with various local and State agencies and other organizations to provide COVID-19 outreach, education, information and technical assistance to farmers and farmworkers in North Carolina.
- ASH distributed bilingual, COVID-19 informational packets to all registered growers and migrant housing sites in North Carolina.
- In conjunction with various partner agencies, ASH developed COVID-19 training webinars for Gap Connections' annual grower training which was attended virtually by 1,589 growers.
- In May 2021, ASH partnered with U.S. Department of Labor's Wage and Hour Division and participated in a virtual training webinar for essential workers that discussed workers' rights and protections during the COVID-19 pandemic. Thirty participants attended the webinar.
- The ASH Bureau Chief, Beth Rodman, continued to participate with the Migrant Health and Housing workgroup which includes representatives from various sections of NCDHHS including the NC Farmworker Health Program and the Department of Public Health's (DPH) Communicable Disease Branch, NC Agromedicine Institute, and the North Carolina Community Health Center Association. The group develops training and educational materials to distribute to the agricultural community.
- The ASH Bureau Chief continued to participate with the COVID-19 workgroup which includes representatives from the North Carolina Department of Agriculture and Consumer Services, NC Agromedicine, NC Farmworker Health Program, North Carolina Growers Association (NCGA), North Carolina Farm Bureau, NC Christmas Tree Association, and the NC Sweet Potato Association. The workgroup discusses COVID-19 challenges faced by

growers and farm workers and possible solutions. Discussion topics include transportation, housing, personal protective equipment, COVID-19 testing, vaccine distribution, and training opportunities.

- The ASH Bureau Chief continued to participate with the Farmworker COVID Vaccine task force which includes representatives from Legal Aid, NC Community Health Care Association AMEXCAN, NC Field, and Access East. The group discusses challenges related to COVID-19 vaccinations
- The ASH Bureau Chief continued to participate with the Farmworker Vaccine Plan Project Management Team Advisory Group which - includes representatives from NCSU Cooperative Extension, NC Agromedicine Institute, NC Community Health Care Association, and various sections of the North Carolina Department of Health and Human Services (NCDHHS) including the NC Farmworker Health Program and the Department of Health's (DPH) Communicable Disease Branch. This small group was established to provide leadership and guidance to vaccination teams across the state.
- Through an alliance with Lamar Advertising, two digital billboards were posted across the State to advertise the NCDOL available resources related to COVID-19 including free training, guidance documents and example programs.
- A COVID-19 safety and health topic page was developed by ETTA and continues to be updated along with several other COVID-19 related safety and health topics including respiratory protection, personal protective equipment and recordkeeping.
- In FFY 2021, there were 41,872 web page views of the COVID-19 safety and health topic page that was developed to assist employers and employees to find information about COVID-19.
- The OSH library provided access to 62 COVID-19 related videos (streaming video service via The Training Network Now and DVDs). Additionally, the Librarian, Nick Vincelli, responded to COVID-19 related requests, cataloged resources, added documents to the standards spreadsheet, added DVDs and online videos to the audiovisual database, forwarded webinar announcements to staff, and publicized resources in the monthly employee newsletter.
- Frequently Asked Questions (FAQs) on COVID-19 were developed, posted and routinely updated on the Coronavirus safety and health topic page on the NCDOL website. The information was available in English and Spanish. They include questions related to personal protective equipment, wage and hour, recordkeeping, and COVID-19 vaccination. The FAQs are routinely updated.
- The Education, Training and Technical Assistance (ETTA) Bureau developed four new COVID-19 presentations and one video on COVID-19 Healthcare Emergency Temporary Standard (ETS). These included one long and one short presentation on the ETS, along with

employee training presentations on the healthcare ETS and the mini-respiratory protection program.

- ETTA hosted 13 COVID-19 webinars and trained a total of 371 employees. The COVID-19 webinar training topics included basic employee training and those related to manufacturing, meat and poultry processing, construction, healthcare emergency temporary standard, long term care, dental and doctor's office and emergency services.
- Five COVID-19 prerecorded webinars and one ETS video are available on the NCDOL website including basic employee training on COVID-19, respiratory protection, and use of personal protective equipment in general industry and construction and the COVID-19 Healthcare ETS.
- ETTA designed and later revised an example COVID-19 Preparedness Plan for Low and Moderate Risk Businesses.
- ETTA developed an example COVID-19 Plan for the ETS that included a COVID-19 log, hazard assessment, and notice to employees for respirator use.
- ETTA developed and later revised Hazard Alerts on COVID-19, Health Guidelines for the Construction Industry and COVID-19 Safety and Health Guidelines for the Agricultural Industry.
- ETTA contributed to the design of the two billboards located on prominent highways in NC which addressed the COVID-19 ETS.
- The final rule for the Occupational Exposure to COVID-19 in the Healthcare Industry (29 CFR 1910 Subpart U) was adopted in July by North Carolina. To date, of the inspections conducted, 12 resulted in 37 citations being issued for 55 instances, with fines totaling \$105,225.00.
- ETTA recognized a need to provide an alternate, more engaging way to provide training and education during COVID-19 precautions. ETTA worked with the Director's Office to gain funds and equipment to transform a former storage room into a Virtual Education and Training Studio. The dedicated studio allows OSH to create a more interactive virtual training experience which improves attendee interaction, trainer collaboration and close-up imaging of equipment and practical demonstrations.
- The OSH Director serves on the Advisory Board for Carolina Promoting Safe Practices for Employees' Return (Carolina PROSPER). It is a rapid-response COVID-19 occupational safety and health technical assistance program based out of the UNC Gillings School of Global Public Health. The program is made up of experts in industrial hygiene, occupational safety and health, and workplace health promotion and they provide COVID-19 related technical assistance to employers.
- In State Fiscal Year (SFY) 2022, the NC Legislature and the Governor provided a 2.5%

across-the-board salary increase and a \$1,000 one-time bonus for all State employees. Most State employees with annual salaries of less than \$75,000 were also provided with an additional \$500 bonus. The bi-annual budget that was passed also included a provision for an additional 2.5% salary increase for most State employees on July 1, 2022.

- The SFY 2022 Budget also included funding for two additional ASH safety compliance officer positions.
- The OSH Division has experienced difficulties of attracting and retaining safety and health professionals, primarily due to noncompetitive salaries. NCDOL submitted a SFY 2022 expansion budget request of \$1,360,437 in recurring funds to support implementing a graduated salary scale, based on tenure, which would be used to raise the salaries of the safety and health compliance officers to a level more consistent with the market rate. These funds would also be used to increase the hiring rate. Unfortunately, the SFY 2022 Budget did not include any of these funds. However, the SFY 2022 Budget did eliminate state funding for three safety compliance officer positions that had been vacant for more than 18 months. Those positions were each posted multiple times, but OSH was unable to fill them with qualified applicants.
- In April 2021, the OSH Division implemented a sign-on bonus policy as a CSHO recruitment incentive. Safety and health compliance officers hired after April 12, 2021, are eligible to receive a \$3,000 signing bonus. The new hire receives half of the bonus upon hiring (\$1,500) and the remaining half after successfully completing 18 months in the position.
- The OSH Division has taken various actions to increase safety and health professional pay to be more competitive with the private sector. A policy change was made that allowed salary adjustments for various professional certifications and designations. This change resulted in 326 pay increase actions from 2015 through 2021. The staff certifications and designations strengthen the ratios associated with professionalism in the Division and associated pay increases appear to be impacting the Division's overall strategy to retain experienced safety and health professionals.
- The OSH Division continues to promote continuing education of staff and offers occupational safety and health training courses along with Certified Safety Professional (CSP), Associate Safety Professional (ASP), and Certified Industrial Hygienist (CIH) professional certification courses. In addition, certification software and study materials for CSP, CIH, Certified Hazardous Materials Manager (CHMM), Occupational Hygiene and Safety Technician (OHST), Construction Health and Safety Technician (CHST), and Certified Environmental, Safety and Health Trainer (CET) have been purchased to assist employees in obtaining certifications. The OSH Division firmly believes that providing staff members with quality training and access to certification software allows them an opportunity for self-improvement and it allows us to better serve our customers.
- During FFY 2021, one OSH Division staff member attained the CIH certification. A CIH is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to the professional practice of



industrial hygiene, continues to meet recertification requirements established by the American Board of Industrial Hygiene (ABIH), and is authorized by ABIH to use the Certified Industrial Hygienist designation.

- During FY2021, seven OSH Division personnel attained the CSP certification. A CSP is a safety and/or health professional who has met education and experience requirements, has demonstrated by examination the knowledge that applies to professional safety practice, continues to meet recertification requirements established by the Board of Certified Safety Professionals (BCSP), and is authorized by BCSP to use the Certified Safety Professional designation.
- During FY2021, four OSH Division personnel attained the ASP certification. The ASP is an independent certification awarded by BCSP. This certification denotes that an individual has met academic requirements and has passed the Safety Fundamentals Examination (the first of two examinations leading to the CSP).
- During FY2021, four OSH Division personnel attained the Manager of Environmental Safety and Health (MESH) certificate, one received the Construction MESH certificate, and one received the Public Sector MESH certificate as a result of receiving 100 hours of safety and health training. These certificates are offered in collaboration with NC State Industry Expansion Solutions and the Safety and Health Council of North Carolina.
- During FY2021, three OSH Division staff attained the 500 and/or 501 Train-the-Trainer authorization. To be eligible for this program, the employee must be recommended by their supervisor and/or bureau chief. This authorization allows an employee to teach State and Federal 10- and 30- hour courses. In addition, one OSH staff member attended the 502/503 refresher course and was recertified as an authorized trainer.
- The OSH Division met with the OSH Advisory Council on November 12, 2020, and May 5, 2021. Both meetings were held virtually due to COVID-19 via video conference. The OSH Advisory Council provides guidance to the OSH Division on matters related to the OSH Act and meetings are conducted twice per year.
- OSH Division Director, Kevin Beauregard, served as past Chairman of the Occupational Safety and Health State Plan Association (OSHSPA) Board in FFY 2021. OSHSPA and OSHA leadership held the Winter and Spring 2021 meetings via videoconference, due to the COVID-19 pandemic. The Fall OSHSPA meeting was held in Traverse City, Michigan on September 28-29, 2021. The OSHSPA Board also met with Federal OSHA leadership via videoconference monthly for most of FFY 2021. The primary purpose of the OSHSPA meetings is to share information to ensure consistency amongst OSHA programs nationwide.
- Scott Mabry, Assistant Director of OSH, was reappointed to Federal OSHA's Advisory Council on Construction Safety and Health (ACCSH) for another two-year term. ACCSH is a continuing advisory body established to advise the Assistant Secretary for Occupational Safety and Health with respect to setting construction standards and policy matters.

- The NCDOL Communications Department reached North Carolina employers and employees with safety messages by posting them on numerous social media sites including Facebook, Instagram, Twitter, YouTube, LinkedIn, and broadcasting Podcasts on the NCDOL Website, YouTube, Spotify, iTunes, Google Podcasts, and Anchor. In FFY 2021, the NCDOL had 1,866 Facebook followers, 572 Instagram followers and 2,057 Twitter followers. Additionally, a video on the COVID-19 Emergency Temporary Standard was released on our YouTube channel in August.
- The OSH Division participated in three OSH-related podcasts. In March, Commissioner Dobson and Dr. Mandy Cohen, the Secretary of the NCDHHS spoke about vaccines and COVID-19. In June, Paul Sullivan, West Compliance Bureau Chief, spoke about a serious case file from the western part of the State. In September, Meredith Watson, OSH Safety Awards Coordinator, talked about the 2021 safety awards season.
- The OSH Division has seven active alliances including Carolinas Association of General Contractors (CAGC), Lamar Advertising Company, Mexican Consulate, NC State Industry Expansion Solutions, National Utility Contractors Association (NUCA) of the Carolinas, the Safety and Health Council of North Carolina and the North Carolina Association of Local Governmental Employee Safety Officials. The Mexican Consulate renewed their alliance in FY21.
- OSH Compliance staff attend quarterly meetings with two alliance partners: CAGC and NUCA. The OSH staff provide a formal OSHA update at each meeting and answers questions from the members in attendance.
- The OSH Division was engaged in three high visibility construction projects in support of the construction strategic plan goal through the partnership program. These included:
  - Sanders Utility Construction Company, Inc
    - Irwin Creek Tributaries Sanitary Sewer – Charlotte
    - Project start to completion: 2020 - 2022
  - Barringer Construction
    - Foundry Buildings Including Ancillary Buildings – Charlotte
    - Project start to completion: 2020 - 2023
  - Holder - Edison Foard - Leeper. A joint Venture
    - Charlotte-Douglas Airport - Terminal Lobby Expansion Project – Charlotte
    - Project start to completion: 2021 - 2023
- Compliance conducted 2,218 inspections during FFY 2021. They identified and corrected over 4,253 hazardous conditions, including 2,770 (65%) that were classified as serious, willful, or repeat violations.

- Over 53% of Compliance inspections resulted in serious, willful, or repeat violations, with a total initial penalty assessment of \$7.9 million dollars. However, only 4.3% of inspections were formally contested by employers.
- Inspections with citations were written and processed in a timely manner, which expedited abatement of the hazardous conditions. Compliance had an average lapse time of 48.5 days for safety inspections and 45.6 days for health inspections, both of which are significantly lower than the respective national averages of 55.3 and 68.0 days.
- Compliance inspected 87 fatalities and catastrophe inspections during FFY 2021, identifying serious, willful, or repeat violations on 52.9% of those inspections.
- During FY2021, Compliance conducted 49 programmed planned inspections selected through this proactive targeting program and identified serious violations on nearly 78% of those inspections. Most of the 97 serious items cited were for violations of machine guarding or lockout/tagout standards. The purpose of the program is to reduce the number of amputations across the State.
- Four change requests were submitted for the OSHA Express (OE) Data Management System this past year. The OSH Division transitioned to a paperless system during FFY 2020 which became very beneficial during the COVID-19 pandemic. Staff was generally able to work from home and continue to write and process files in a timely manner.
- In FFY 2021, OSH transmitted data from OE to OSHA's Information System (OIS) via an interface. OSH and the OE vendor continue to work together to ensure that the OE and OIS, State Activity Mandated Measures (SAMM) and State Information Report (SIR) reports are providing accurate data.
- OSH continues to provide administrative support for the OSHA Legacy Data (OLD) system. The OLD system was rolled out in late FFY 2016, and additional features were subsequently added to allow OSHA and State Plans to access and modify pre-OIS inspection files, as necessary. Progress continues to be made closing NC open legacy case files. At the end of FFY 2020, OSH had only 30 cases remaining open in the OLD system.
- Nine action requests were processed by Compliance. This Quality Program activity provides opportunities for program improvement identified by customers, division employees or as a result of internal audits and Federal OSHA audits. Ongoing revisions are made to the Field Operations Manual (FOM) and Operational Procedure Notices (OPN) as a result of the quality program action items.
- As part of the OSH Quality Program, 94 high profile case file reviews were completed by the OSH Director's Office. The purpose of the audits was to ensure that inspection activities were being conducted in accordance with established policies and procedures. The findings of these audits were posted internally, and feedback was provided to the compliance bureau chiefs, district supervisors, and compliance officers.

- An internal audit was conducted to evaluate the Consultative Services Bureau (CSB) OE files against the ‘workflow checklist’ that was developed to supply directions to the supervisors as to how they should review and enter information into the OE system to assure files are accurately populated. The intent being that paperless files would have all the needed information for review by an external agency. Items were identified to improve and streamline the process.
- The OSH Complaint Desk staff and field office personnel processed 4,321 complaints and 743 referrals in FFY 2021. Over 3,232 additional contacts were made with the public that did not result in valid complaints along with 196 reports of injuries that were not processed due to the incidents not being reportable to OSH.
- The OSH Lab completed 421 in-house equipment calibrations. An additional 101 pieces of equipment were sent to the manufacturer for calibration or repair.
- The OSH Division’s Unmanned Aircraft Systems (UAS) Program was utilized as a resource during compliance inspection, requiring aerial photographs or videos. In FFY 2021 drones were successfully deployed on twelve inspections which aided in evidence collection where staff would otherwise have not been able to reach the site due to unsafe conditions. These inspections included multiple high-profile fatality and accident investigations such as, fall through skylights, wall collapse, excavation and trenching collapse. To mitigate flight risks, increase safety for bystanders and measures to protect the loss of the drone, equipment and payloads, the Division procured 3 parachute recovery systems for the Matrice 210 drones.
- As part of the OSH Division’s Unmanned Aircraft Systems (UAS) program, drones were utilized as a resource for use during compliance inspection, requiring aerial photographs or videos. Through the year, drones were successfully deployed on twelve inspections which aided in evidence collection. Over the next year, pilots will receive additional flight training in the use of these enhanced safety systems.
- OSH outreach presentations were provided by Compliance to groups such as American Society of Safety Professionals (ASSP), American Industrial Hygiene Association (AIHA), the Gaston County Safety, Health, and Environmental Association, the McDowell County Chamber of Commerce, and the University of North Carolina – Charlotte.
- During FFY 2021, CSB identified and addressed overexposures to noise and silica.
- In 2021, the consultation program received a stellar Regional Annual Consultation Evaluation Report (RACER). The report did not have any negative findings or observations nor were there any recommendations for improvement.
- There were 115 private sector companies participating in the Safety and Health Achievement Recognition Program (SHARP) with three in pre-SHARP. In addition, there were four construction SHARP companies, and 41 public sector SHARP with two in pre-SHARP.

- CSB mailed 1,161 letters to employers with an Experience Modifier Rate (EMR) of 1.5 or higher. Tracking last year's requests from the mailing, the Bureau noted that 50% of customers no longer had an EMR above 1.5.
- The CSB Bureau Chief, Kevin O'Barr, and Dr. Ahmed Al-Bayti, a construction safety research professor, presented research results regarding the use of the workers' compensation EMR as a safety indicator to the 2021 ASSP convention in Austin, TX.
- The CSB has a task/measure called "intervention" that is different from onsite visits and is not counted in the program statistics. During FFY 2021, 259 interventions were conducted. (231 private sector) Activities included substantive telephone and email correspondence, off site technical training, regulation interpretations and presentations.
- Using Federal data from OSHA's ITA (Injury Tracking Application), CSB mailed 608 letters to small employers with multiple recordable cases notifying them of the availability of on-site consultative services.
- In February 2021, the consultation program had its 21(d)-grant audit, which resulted in no findings or recommendations and confirmed the program is well run and managed.
- The CSB Bureau Chief worked on a federal committee and developed and delivered training on conducting virtual visit technology and policy.
- ETTA developed a new example Heat Stress Prevention Program for Agriculture in English and Spanish.
- ETTA's Standards Section also made 33 revisions to existing publications including brochures, industry guides. Hazard alerts and frequently asked questions, covering multiple safety and health topics. This included brochures on the following: Public Sector Survey, Top ten Cited Serious Standards, Green Tobacco Sickness, Manager of Environmental Safety and Health Program, Medical – Dental Industry, Safety Briefings for General Industry, Toolbox Reviews for the Construction Industry, and Safety Awards. Industry guides included Standards Requiring Programs, Inspections, Procedures, Records and /or Training in General Industry, Construction. Marine Terminals, Shipyards, and Agriculture, as well as industry guides on OSHA for Small business in NC and Occupational Health Standards for Agriculture.
- ETTA mailed an outreach letter to 40 construction employers with five or more serious violations. The letter provided employers with information regarding OSH outreach services and publications. This letter is an outreach strategy used by the Construction SEP committee to lower injury and illness rates in construction.
- A Training Newsletter was sent out by ETTA periodically throughout the year to over 11,000 employers and employees in North Carolina providing information regarding upcoming training.

- The ETTA Training Section conducted seven 10-hour and one 30-hour general industry awareness courses and three 10-hour construction awareness courses.
- ETTA participated in 175 events to include speaker's bureau requests, 10- and 30- hour courses, individual topic workshops, webinars and public outreach fairs and conferences.
- The ETTA Training Section provided training and outreach services to the Spanish speaking population through delivery of individual topic workshops. During FFY 2021, 38 Spanish speaking workers were trained.
- ETTA offered 149 hours of formal training, 179 hours of continuing education, and four hours of other job-related training to internal personnel.
- The OSH Division participated with Federal OSHA in the National Safety Stand Down to Prevent Falls in Construction. ETTA hosted seven webinars: two on fall protection, two on scaffolds, one on steel erection and one on stairways and ladders. A total of 76 employees were trained during these webinars.
- During Safe + Sound Week, ETTA hosted a webinar on Safety and Health Management Systems that provided training for 30 employees.
- ETTA contributed to the designs of six billboards located on prominent highways in NC. The billboards addressed the following topics: Safe Workplaces, the COVID-19 Emergency Temporary Standard, Grain Safety, Fall Prevention, and the Safe + Sound Initiative.
- The NCDOL (Charles H. Livengood Jr. Memorial) Library loaned out 407 items (e.g., consensus standards, safety videos, certification exam preparation books) to NCDOL employees and registered public patrons.
- The library responded to 674 information requests and 250 reference questions, provided streaming video access (via The Training Network NOW) to 60 patrons, served 210 visitors, acquired 160 items for the collection and cataloged 201 items.
- The ETTA Standard's Section responded to 2,785 standard inquiries.
- The Standard's Section reviewed and edited all existing safety and health topic pages.
- The Standard's Section added 27 documents to the Field Information System (FIS) including updates to the Field Operations Manual (FOM), revised OSH Division policies, and adoption of multiple Federal OSHA Instructions and Final Rules. PSIM, Compliance, and/or Legal Affairs work jointly to update and revise FIS documents
- Through the Standard's Section, final rules adopted in North Carolina included the Emergency Temporary Standard for Occupational Exposure to COVID-19 in the Healthcare Industry (29 CFR 1910 Subpart U), Cranes and Derricks in Construction: Railroad Roadway Work (29 CFR 1926 Subpart CC), and the revised rules for Occupational exposure to

Beryllium and Beryllium Compounds in General Industry, Construction and Shipyard sectors (29 CFR,1910.1024, 29 CFR 1926.1124 and 29 CFR 1915.1024).

- ETTA distributed 21,284 publications to employers and employees across the State. The Bureau's Publications Desk served 2,933 customers.
- The ETTA Carolina Star Program had 15 Star re-certifications and approved one more Star work site. At the end of FFY 2021, there were 146 Star Sites: 101 Carolina Star sites, 22 Building Star sites, 19 Public Sector Star sites and four Rising Star sites.
- The annual Carolina Star Safety Conference was held September 15-17, 2021, with the option of in person or virtual attendance. This event stood as the 25<sup>th</sup> Anniversary of the Carolina Star Safety Conference. Total attendance for this event was 305 with 217 attending in person while 88 attended virtually.
- During the 2021 Carolina Star Conference, six Star sites were recognized for achieving 25 years in the Star Program. There are now eight sites that have achieved this status.
- The Carolina Star Program hosted its 2<sup>nd</sup> Annual Building Star Best Practices Workshop in November 2020. There were a total of 42 people in attendance with the majority attending virtually.
- The Safety Awards Program celebrated its 75<sup>th</sup> year. The annual Safety Awards Banquet season is usually held each year during the spring. However, due to COVID-19, the 2021 Safety Awards Banquet season was delayed until August and ending in November. As a result, only the numbers through September 30, 2021, are being officially reported for FFY 2021\*. The Safety Awards Program recognized 1,562 Gold Awards, 252 Silver Awards, and 23 Million-Hour Awards. During this time, 17 Safety Awards Banquets were conducted with a total banquet attendance of 863 attendees. The number for the remainder of the 2021 Safety Awards Banquet season (i.e., October 1 – November 17, 2021) are projected to be the following: 484 Gold Awards, 130 Silver Awards, and 17 Million-Hour Awards, and 10 banquets.

*\*The projected final numbers for the 2021 Safety Awards Banquet season are as follows: 2,046 Gold Awards, 382 Silver Awards, 40 Million-Hour Awards, and 27 banquets and/or awards celebrations conducted.*

- The Planning, Statistics, and Information Management (PSIM) Bureau Chief, Anne Weaver, continued to perform duties associated with the responsibility of being the Medical Records Coordinator for the OSH Division.
- PSIM staff participated as a representative from the OSH Division to the Occupational Surveillance Advisory Group.

- PSIM continued to provide notifications of workplace accidents and fatalities to the NC Department of Commerce, NC Industrial Commission, Fraud Investigation Section of the Criminal Investigations and Employee Classification Division.
- The PSIM Bureau Chief assisted ETTA with reviewing photos and graphics within various PowerPoint presentations to verify adherence to copyright, privacy, ownership, and brand name restrictions.
- PSIM compiled OSH activity data for the NCDOL Annual Report, the OSH Annual Program Statistics Report, and various other annual reporting requirements.
- PSIM analyzed public sector inspection activities for FFY 2016 – 2020 and construction inspection activities for FFY 2020.
- PSIM completed FFY 2020 Occupational Fatalities Comparison Report using Occupational Fatality Inspection Review (OFIR) data.
- PSIM analyzed and verified CY 2020 fatality data for the Communications Division’s annual press release.
- PSIM continued refinement of the OSH private and public-sector databases to supplement the bureaus exclusive use of the Division of Employment Security database.
- PSIM received, researched, and processed 957 requests for revisions/changes to the private and public-sector establishment databases, which helps to enhance the accuracy of these site databases and the OSH Division Targeting System.
- PSIM worked on various targeting schedules that were updated and assignments released for:
  - Public Sector Schedule
  - General Industry Schedules (Safety and Health)
  - ASH Schedule
  - Health Hazards Schedules (Asbestos, Lead, and Isocyanates)
  - Fatality Reinspection Schedule
  - Communication Tower Schedule
  - Amputations SEP Schedule
- PSIM received closed inspection files (those still in paper copy format) from the field offices for archiving.
- PSIM prepared 790 inspection files for scanning and scanned 686 of those files for archiving into the department’s file content management system (OnBase).
- The project of quality control review is continuing and ongoing for OSH inspection files, which have been archived through the imaging and file conversion processes.



- PSIM received 2,378 disclosure requests during FFY 2021 and processed 3,878 requests (2,139 from FFY 2021 and 1,739 from previous years) during this fiscal year, which resulted in a 163% response rate. PSIM has continued to receive an unprecedented number of disclosure file requests. Bureau staff worked diligently to process disclosure requests, which resulted in a 67% increase in the actual number of files processed compared to last fiscal year. Many of the disclosure requests were COVID-19 related; however there has been a major increase in non-COVID related requests related to contentment's, fatalities, court orders, subpoenas, etc. A position within the Commissioner's Office was assigned to PSIM to help address the disclosure backlog.
- PSIM coordinates the strategic plan process for all bureaus in the OSH Division to submit data for the FFY 2022 Annual Performance Plan in relation to the 5-year Strategic Management Plan (SMP) for FFY 2019 - 2023.
- PSIM staff members continue as active Strategic Management Plan (SMP) committee members and participate in all SMP meetings, discussions, and activities which are essential functions directly related to the success of OSH Division Strategic Management Plan goals.
- PSIM completed an analysis of data collected from the 2017, 2018, and 2019 Public Sector Surveys, resulting in updated, established target rates for employer specific categories.
- PSIM received and processed 699 requests from the public sector for revisions/changes to the Public-Sector Injury and Illness Survey database.
- PSIM mailed a total of 3,108 surveys to public sector employers (collection of calendar year 2020 injury and illness data). At the end of FFY 2021, 3,044 survey responses were received with an 97.9% response rate and a 100% clean rate. It is anticipated that all survey responses will be collected by the end of calendar year 2021 for a 100% response rate at the conclusion of the survey.
- PSIM worked in conjunction with ETTA Bureau, East and West Compliance Bureaus and Legal Affairs Division staff to update and revise several Field Operation Manual chapters and Operational Procedure Notices (OPN).
- PSIM staff updated Administrative Procedure Notice (APN) 19 – Strategic Management Plan Committee Activity for FFY 2021 and OPN 128 – Public Sector Surveys.
- The ASH Bureau is working with NCDOL Information Technology to develop a new preoccupancy inspection database to improve user functionality, transition to an electronic storage system, and allow growers to register their migrant housing online and access their housing certificates.
- ASH Bureau completed 1,976 preoccupancy housing inspections of migrant farmworker housing and conducted 49 compliance inspections.

- ASH issued Housing certificates to 1,917 sites with a total occupancy (beds) of 24,782.
- ASH continues to strengthen partnerships and associations with other groups, such as: NCSU Cooperative Extension, NC Agromedicine Institute, NCDHHS, NC Farmworker Health Program, NC Community Health Center Association, NC Farm Bureau, NC Agribusiness Council, and the North Carolina Growers Association.