

**N.C. Department of Labor Report on Impact of the Special Emphasis
Inspection Program on Safety and Health Compliance and Enforcement**

Citation of Law or Resolution:	G.S. 95-136.1
Section Number:	N/A
Due Date:	March 1, 2023
Submission Date:	April 17, 2023

Receiving Entities:

The Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources
The Fiscal Research Division

Submitting Entity:

The N.C. Department of Labor

Impact of the Special Emphasis Inspection Program on Safety and Health Compliance and Enforcement

**North Carolina Department of Labor
Occupational Safety and Health Division**

Federal Fiscal Year 2022



Introduction

Pursuant to NCGS 95-136.1, the N.C. Department of Labor (NCDOL) submits the following annual report on the impact of the department's Special Emphasis Inspection Program (SEP) on employee safety and health compliance and enforcement.

To determine which specific industries and employers will be targeted for the SEP, the NCDOL uses multiple resources. Some industries designated as SEP's were initiated by the federal Occupational Safety and Health Administration (OSHA) and are generated by high injury and illness rates or fatality rates on a national level. Most industries and specific employers though are selected for the SEP at the state level and are created during the strategic planning process. The decision to include an industry is based on a review of injury, illness and fatality data, and employment levels. Generally, industries with the highest employment levels and the highest injury and illness rates are selected as an SEP.

The NCDOL strategic planning process occurs on a five-year cycle, but SEP industries are evaluated annually. The NCDOL also annually reviews the plan to ensure that industry activity goals are met. The department is currently operating under a strategic plan cycle that became effective October 1, 2018 and concludes September 30, 2023. The data in this report reflects the strategic plan cycle that ran from October 1, 2021, through September 30, 2022.

The FY 2019-2023 Strategic Management Plan includes two primary outcome goals:

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

The areas of emphasis included in the FY 2019-2023 Strategic Management Plan include:

- Construction Industry Fatality Reduction
- Logging and Arboriculture Fatality Reduction
- Grocery and Related Product Merchant Wholesalers Injury Reduction
- Long Term Care Injury Reduction
- Exposures for Specific Health Hazards
- Food Manufacturing Injury Reduction
- Amputations Reduction

During the strategic planning process, outcome and activity goals are set for each industry. This report includes each industry's goal and the associated actual results. Baseline fatality rates were calculated by finding the average number of fatalities during an established period of time for the construction and logging and arboriculture industries. Baseline rates for Days Away, Restricted, or Transfer (DART) were also calculated based on the average of previous years' DART rates.

North Carolina continues to utilize a combination of compliance, consultation, and training as an effective approach toward reducing injury, illness, and fatality rates among all industries and employers. The success of this approach is evidenced by the state's total recordable case rate of 2.4 and a DART rate of 1.4 for CY 2021, both of which reflect higher rates than the previous year.

**Impact of the Special Emphasis Inspection Program (SEP)
On Safety and Health Compliance and Enforcement FY 2019-2023**

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

Great safety and health strides have been made in the construction industry. The total number of 73 construction fatalities, which occurred during the baseline period of FY 2013 – FY 2017, indicated that this industry was still a leader in workplace deaths that could have a significant impact on the state’s overall outcome goal of reducing the rate of workplace fatalities. In FY 2022, the total number of fatalities increased from eighteen to twenty-three and the fatality rate also increased.

Outcome

	2018	2019	2020	2021	2022	
Fatalities	24	18	26	18	23	
Rate	.0110	.0078	.0113	.0076	.0094	
Hispanic	10	8	10	10	13	

Activity in Emphasis Counties

	2019	2020	2021	2022	2023	
Inspections	1,531	1,193	1,078	1,050		
Goals	1,000	1,050	1,050	1,050		
Consultation	497	394	437	429		
Goals	200	250	250	250		
Trained*	2,293	1,346	814	802		
Goals*	2,500	1,750	1,750	1,000		

*Includes all persons trained in the construction industry.

1.2 Decrease Fatality Rate in Logging and Arboriculture Activity (NAICS 56173 and 11331) by 2% by the end of FY 2023

North Carolina has had success in the past reducing the number of logging and arboriculture fatalities. Experience has shown that a reduction in Occupational Safety and Health (OSH) activity can translate into an increase in the number of injuries and fatalities in this industry. The first state SEP for logging was initiated in FY 1994 in response to 13 logging fatalities in FY 1993. There was a total of six fatalities in FY 2021 and five in FY 2022.

Outcome

	2018	2019	2020	2021	2022	
Fatalities	5	6	6	6	5	
Rate	.0166	.0156	.0155	.0146	.0122	

Activity in Logging and Arboriculture Industry

	2019	2020	2021	2022	2023	
Inspections	39	28	34	30		
Goals	60	30	30	25		
Consultation	28	21	17	17		
Goals	13	13	15	15		
Trained	382	65	180	264		
Goals	150	75	75	75		

2.1 Reduce the Injury and Illness Rate in Grocery and Related Product Wholesalers (NAICS 4244) by 2% 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 is more than the most recent overall DART rate of 1.4. For this reason, this industry remains an area of emphasis in the current Strategic Management Plan.

Outcome

	2018	2019	2020	2021	2022
DART Rate	3.4	3.3	3.1	3.2	

Activity in Grocery and Related Product Wholesalers

	2019	2020	2021	2022	2023
Inspections	23	15	26	21	
Goals	20	14	15	20	
Consultation	4	0	8	3	
Goals	3	0	3	3	
Trained	7	23	16	15	
Goals	25	18	40	40	

2.2 Reduce the Days Away, Restricted, or Transferred (DART) Rate in Long-Term Care (LTC) Facilities by 5% by the end of FY 2023

While some progress has been made in this industry group, the baseline rate of 3.9 is still more than the overall DART rate of 1.4. COVID-19 infections among employees working in long term care facilities have had a significant impact in the increase of the DART rate in this industry. A new COVID-19 healthcare standard was promulgated by OSH in July 2021 as a measure to reduce the negative effects of the pandemic for employees in the LTC industry.

Outcome

	2018	2019	2020	2021	2022
DART Rate	3.3	3.4	7.2	4.3	

Activity in Long-Term Care

	2019	2020	2021	2022	2023
Inspections	58	28	46	32	
Goals	48	29	24	24	
Consultation	66	30	44	41	
Goals	40	21	10	35	
Trained	442	15	46	27	
Goals	50	25	40	40	

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

North Carolina has established the health hazards special emphasis program to address health hazards in the workplace, including lead, silica, asbestos, hexavalent chromium, and isocyanates. A reduction in illnesses relating to the emphasis health hazards could have an effect in the primary outcome goal of reducing the overall injury and illness rate during the five-year cycle of the Strategic Plan.

Activity for Selected Health Hazards

	2019	2020	2021	2022	2023
Inspections	145	86	97	91	
Goals	100	90	75	60	
Consultation	255	169	169	195	
Goals	200	135	125	125	
Trained	795	238	388	400	
Goals	400	280	300	300	

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

The strategic planning process is intended to allocate limited resources in those areas of emphasis with above average injury and illness rates to impact the overall state injury and illness rate. The food manufacturing DART rate for North Carolina was more than the North Carolina average for all industries including state and local government. For this reason, food manufacturing remains in the current Strategic Management Plan.

Outcome

	2018	2019	2020	2021	2022
DART Rate	2.2	2.1	3.0	2.6	

Activity in Food Manufacturing

	2019	2020	2021	2022	2023
Inspections	42	41	51	39	
Goals	40	40	20	25	
Consultation	28	16	16	24	
Goals	12	12	12	12	
Trained	14	23	32	61	
Goals	25	25	40	40	

2.5 Reduce the Number of Amputations Statewide by 10% by the end of FY 2023

A review of the annual number of amputations reported to NCDOL as required by 29 CFR 1904.39 revealed an increase in incidents where at least a portion of a single digit had been amputated. The Amputations SEP was added to the Strategic Management Plan, with FY 2019 designated as a planning year.

Activity in Amputations

	2019*	2020	2021	2022	2023
Inspections	*	133	162	163	
Goals	*	105	100	150	
Consultation	*	124	175	176	
Goals	*	100	80	100	
Trained	*	365	690	681	
Goals	*	400	400	400	

*FY 2019 was a planning year.

Summary

North Carolina has developed a Strategic Management Plan with specific areas of emphasis made up of employers with a high rate of serious injuries and illnesses. This approach is consistent with the requirements of NCGS 95-136.1. The state's specific overall outcome goals include reducing the rate of workplace fatalities by 2% and reducing the rate of workplace injuries and illnesses by 5% by September 30, 2023. The plan also provides program guidance for the most appropriate allocation of resources in pursuit of the outcome goals.

As well as overall outcome goals, the plan includes activity and outcome goals for specific areas of emphasis included in the plan. Each of the plan's areas of emphasis is managed by a specific Strategic Management Plan committee made up of Occupational Safety and Health (OSH) Division employees. Strategies to achieve outcome goals are continuously reviewed and can be altered to enhance program performance. Any changes to the plan are documented annually.

Specific performance goals have been established for the current five-year strategic planning cycle that runs from October 1, 2019 (FY 2019) to September 30, 2023 (FY 2023). The carry-overs from the previous five-year plan include construction, logging and arboriculture, food manufacturing, long-term care, exposures for specific health hazards, and grocery and related product merchant wholesalers. A new addition to the plan is an emphasis on amputations. The first year in the plan for this industry group was designated as a planning year in order to develop specific strategies for achieving the goals related to reducing amputations in the workplace.

The success of the OSH Division special emphasis inspection program is measured by the continuous reduction in employer injury and illness rates. The most recent total recordable case rate of 2.4 and DART rate of 1.4 for calendar year 2021 reflect higher rates than the previous year.