



***NCDOL***  
***N.C. Department of Labor***

# NC OSHA Update

**ASSP Tarheel Chapter**  
**January 6, 2022**

**Presented by:**

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# Objectives

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- Develop an understanding of OSHNC activities and findings during FY 2021 (10/01/2020 through 9/30/2021).
  - North Carolina DART/TRC rates and trends
  - OSH Division bureaus and programs
  - Fatalities
  - COVID-19
  - Special Emphasis Programs (SEPs)

# So...what's new at DOL?

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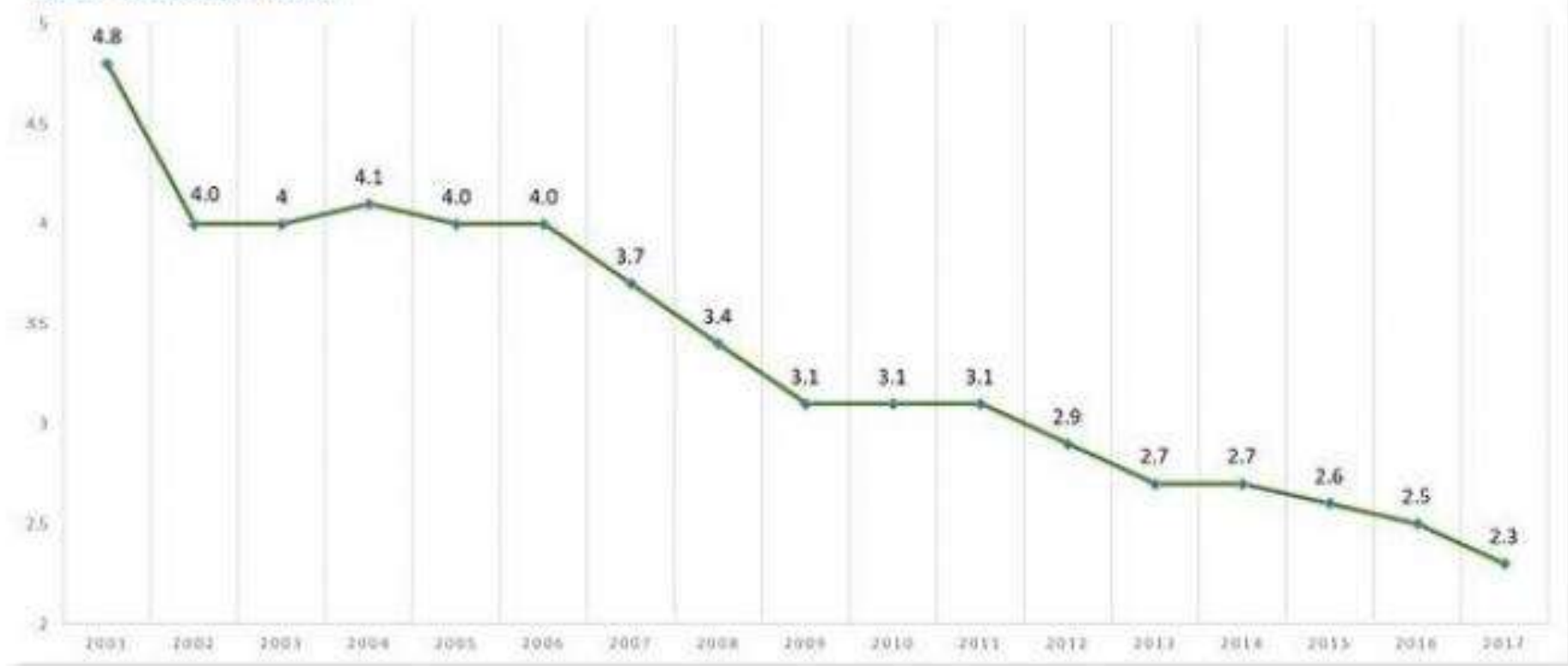
**NCDOL**  
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Year #1 of Commissioner Josh Dobson's first term is officially in the books!

# TRC Trend Since 2001

NONFATAL OCCUPATIONAL INJURY AND ILLNESS TOTAL RECORDABLE CASE RATE PER 100 FULL-TIME WORKERS, NORTH CAROLINA, PRIVATE SECTOR, CALENDAR YEARS 2001 THROUGH 2017



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# N.C. Workplace Safety and Health

## TRC and DART Rate Comparison

FFY 2021—4<sup>th</sup> Qtr.

CY 2020	North Carolina		National Average		Comparison
TRC Rate	2.1	2.2*	2.7	2.9*	22% Lower/24% Lower*
DART Rate	1.3	1.3*	1.7	1.8*	24% Lower/28% Lower*

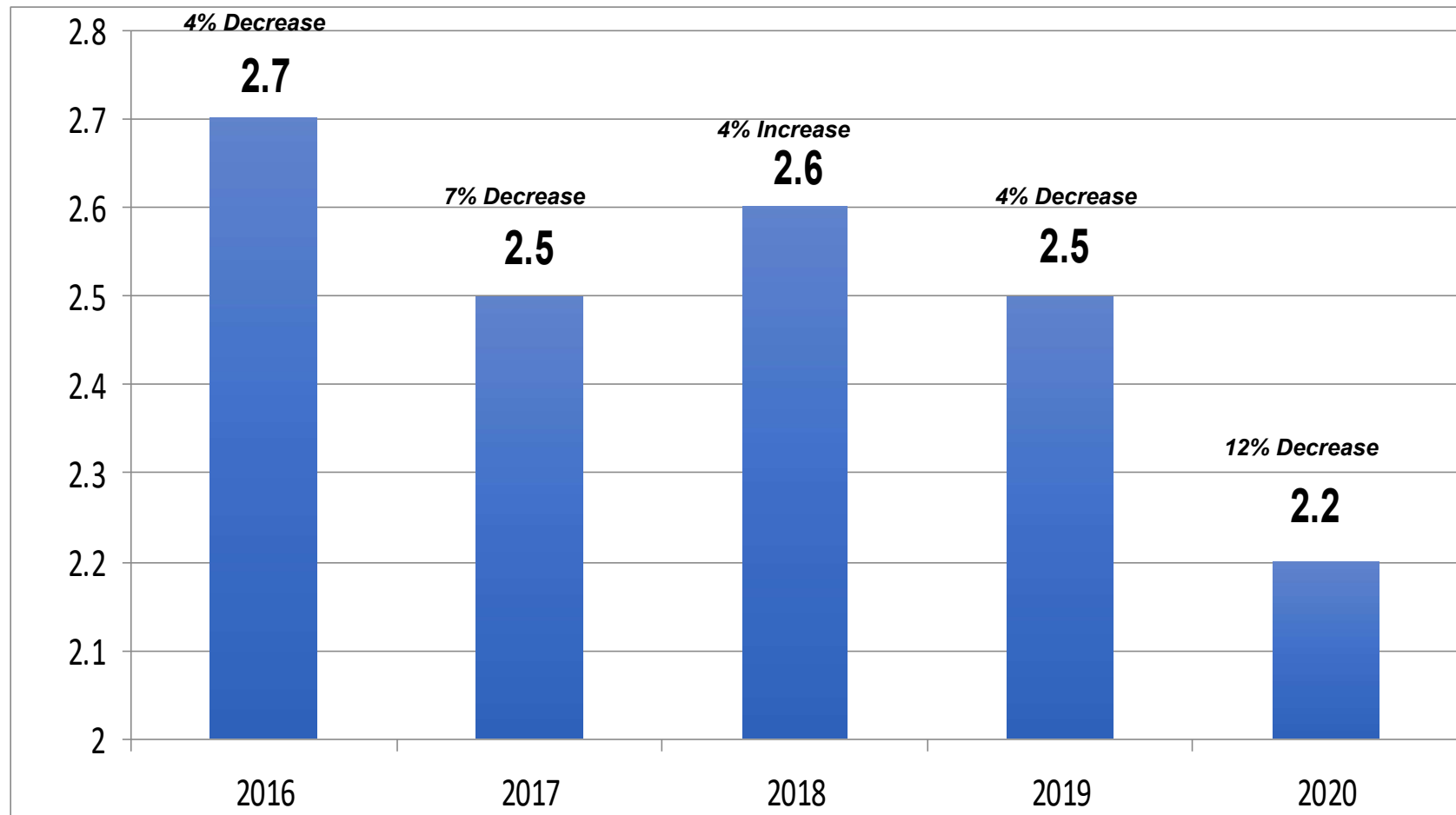
\*All industries including state and local government CY = Calendar Year



# N.C. Workplace Safety and Health

## Total Recordable Cases (TRC)

FFY 2021—4<sup>th</sup> Qtr.

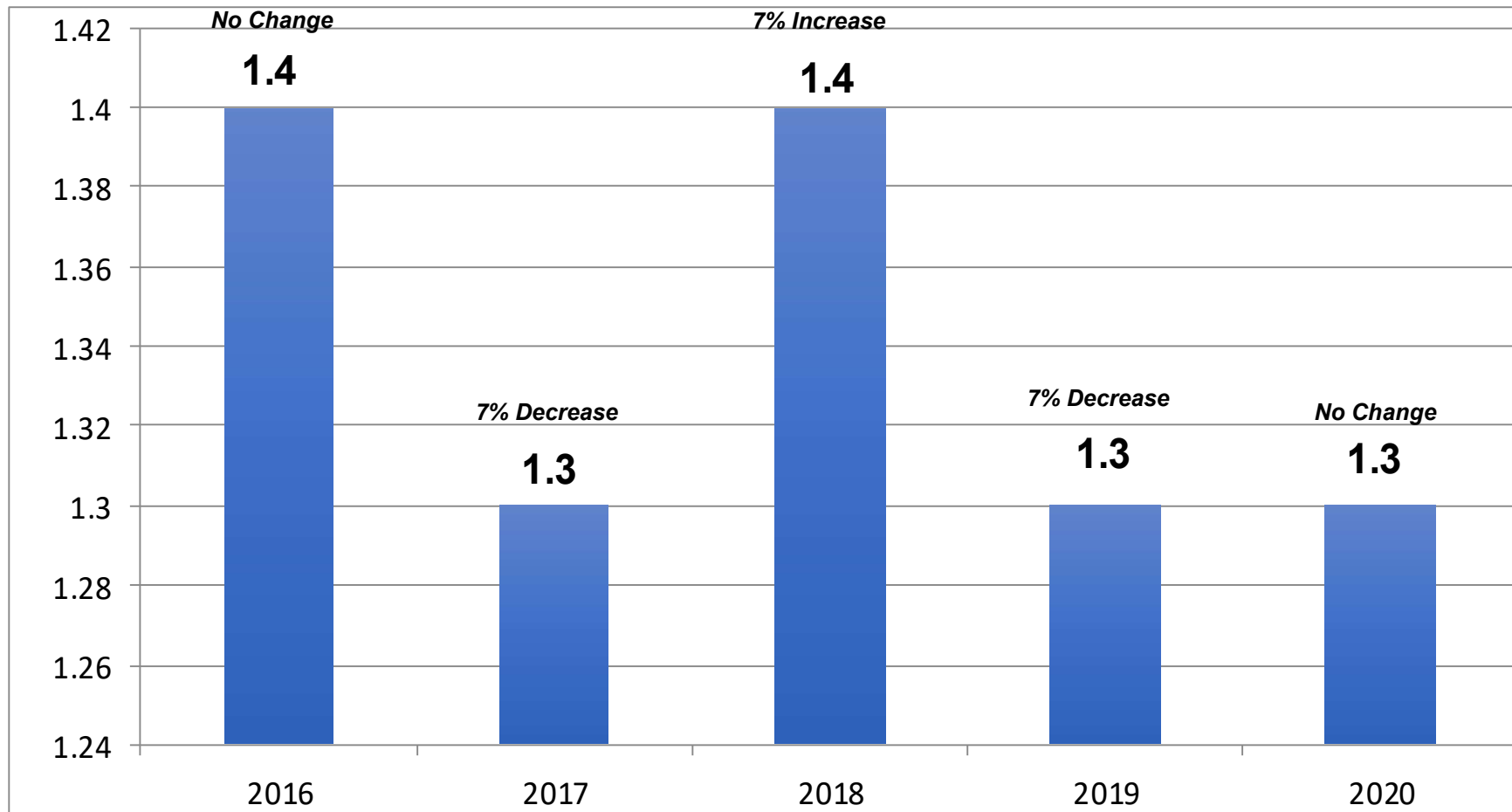


All Industries Including State and Local Government  
Based on Calendar Year



# N.C. Workplace Safety and Health

*Days Away, Restricted or Transferred (DART) FFY 2021—4<sup>th</sup> Qtr.*



*All Industries Including State and Local Government  
Based on Calendar Year*

# NCDOL/OSHNC

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- The low injury and illness rates are the result of combined efforts by employers, employees, OSHNC, professional associations, and others with an interest in worker safety & health.
- OSHNC uses a multi-pronged approach, including (but not limited to):
  - Education & training
  - Consultative services
  - Recognition programs
  - Compliance

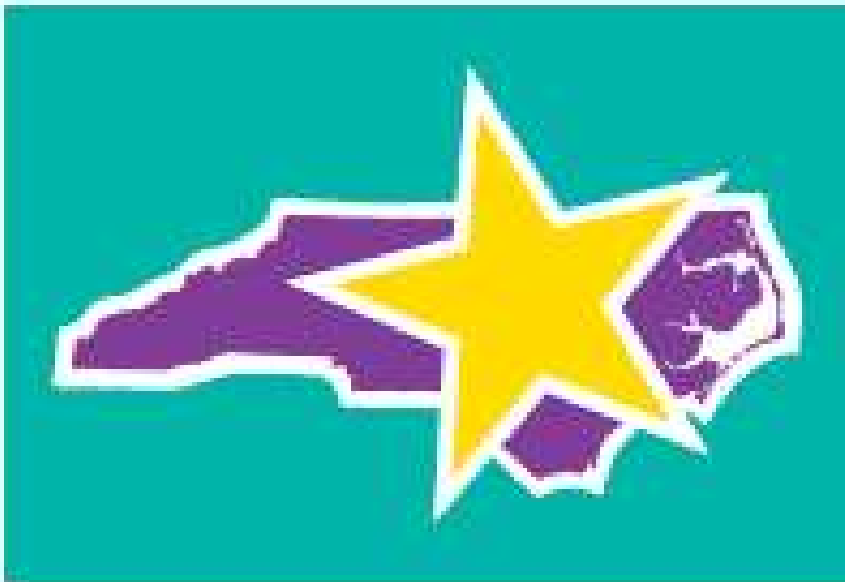




# OSHNC Recognition Programs

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## Carolina Star



## Public Sector Star



Br200

# OSH Division

## *Alliances and Partnerships*

FFY 2021—Fall

### ● Alliances

- *Carolinas AGC*
- *Lamar Advertising Company*
- *Mexican Consulate*
- *N.C. State – Industry Expansion Solutions*
- *Safety and Health Council of NC*
- *NUCA of the Carolinas*
- *NCALGESO*



**NC STATE**

Industry Expansion Solutions

# OSH Division

## *Alliances and Partnerships*

FFY 2021—Fall

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### ● Partnerships

- *Sanders Utility Construction Company, Inc.*
  - » Charlotte – Irwin Creek Tributaries Sanitary Sewer Improvements (2020 – 2022). **Successfully closed in December 2021.**
- *Barringer Construction*
  - » Charlotte - Foundry Building Including Ancillary Buildings (2020 – 2023)
- *Holder – Edison Foard – Leeper, A Joint Venture*
  - » Charlotte - Charlotte Douglas International Airport – Terminal Lobby Expansion (2021 – 2023)

# OSHNC Consultative Services



## Consultative Services Bureau For North Carolina Employers



**Cherie Berry**

*Commissioner of Labor*

**1-800-NC-LABOR**  
(1-800-625-2267)

[www.nclabor.com](http://www.nclabor.com)



### Safety and Health Consultation Program

The N.C. Department of Labor has a program to assist small employers, especially those in high hazard industries, to reach their goal of achieving a safe and healthful workplace for their employees. Experienced professional safety and industrial hygiene consultants will identify safety and health hazards in your business or industry, supply recommendations to reduce or eliminate these hazards, and assess your safety and health management program. Our goal is to help your business meet safety and health regulations and develop an ongoing, effective safety and health management program.

In some instances, a return visit may be necessary. For example, the consultant may need to remonitor air quality or verify that hazards have been properly corrected.

### Additional Information:

Two types of surveys are available. An employer may request a facility-wide (full-service) safety and health survey or a specific safety and/or health survey limited to only one or more issues.



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# OSHNC Consultative Services



## Request for **FREE** Safety and Health Consultation

Please complete, print and sign form. Then scan and email to [dol.consultationmail@labor.nc.gov](mailto:dol.consultationmail@labor.nc.gov) or fax to 919-807-2902.

You will receive an acknowledgment letter confirming your receipt.

Name of company/employer: \_\_\_\_\_  
(PLEASE USE THE LEGAL NAME)

Site address: \_\_\_\_\_  
(STREET ADDRESS, CITY, STATE, ZIP)

Mailing address: \_\_\_\_\_  
(STREET ADDRESS, CITY, STATE, ZIP)

Have you moved within the past two years? If so, please provide previous address: \_\_\_\_\_

Person to contact: | \_\_\_\_\_ Job title: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Ext.: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

Type of business and description of process: \_\_\_\_\_

North American Industry Classification System (NAICS): \_\_\_\_\_

To determine your NAICS code, visit [www.census.gov/eos/www/naics](http://www.census.gov/eos/www/naics)

Number of employees: \_\_\_\_\_



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# OSHNC Recognition Programs



**Safety & Health Achievement Recognition Program**

**Recognizing small to mid-size businesses that establish and maintain effective safety programs.**

## Accreditation Benefits Include:

- ☒ Employee involvement keeps costs down, quality and productivity up
- ☒ FREE professional safety and health mentoring
- ☒ Reduced workers' compensation costs
- ☒ Reduced OSH compliance inspections
- ☒ Community recognition

## **Recognition Program Safety and Health Achievement and Recognition Program (SHARP)**

Employers that successfully complete all the requirements of a full-service



**SHARP (Construction)** is one of the most prestigious safety and health recognition programs for the construction industry in North Carolina. This program is designed for construction worksites with comprehensive effective safety and health programs, making them leaders in employee protection. NCDOL and the Consultative Services Bureau continue to work with general contractors in North Carolina and have worked hard to reduce fatalities and costly injuries in the construction industry.



**SHARP (Logging)** is an outreach program to the logging operations associated with felling and moving trees and logs from a worksite. The Consultative Services Bureau and NCDOL's intention is to build a strong foundation within the logging industry, while recognizing SHARPLogging sites that are "a cut above the rest" in this very dangerous industry.

## Application:

- ☒ Complete a consultation request form in this brochure or online.

## Consultation Request Forms:

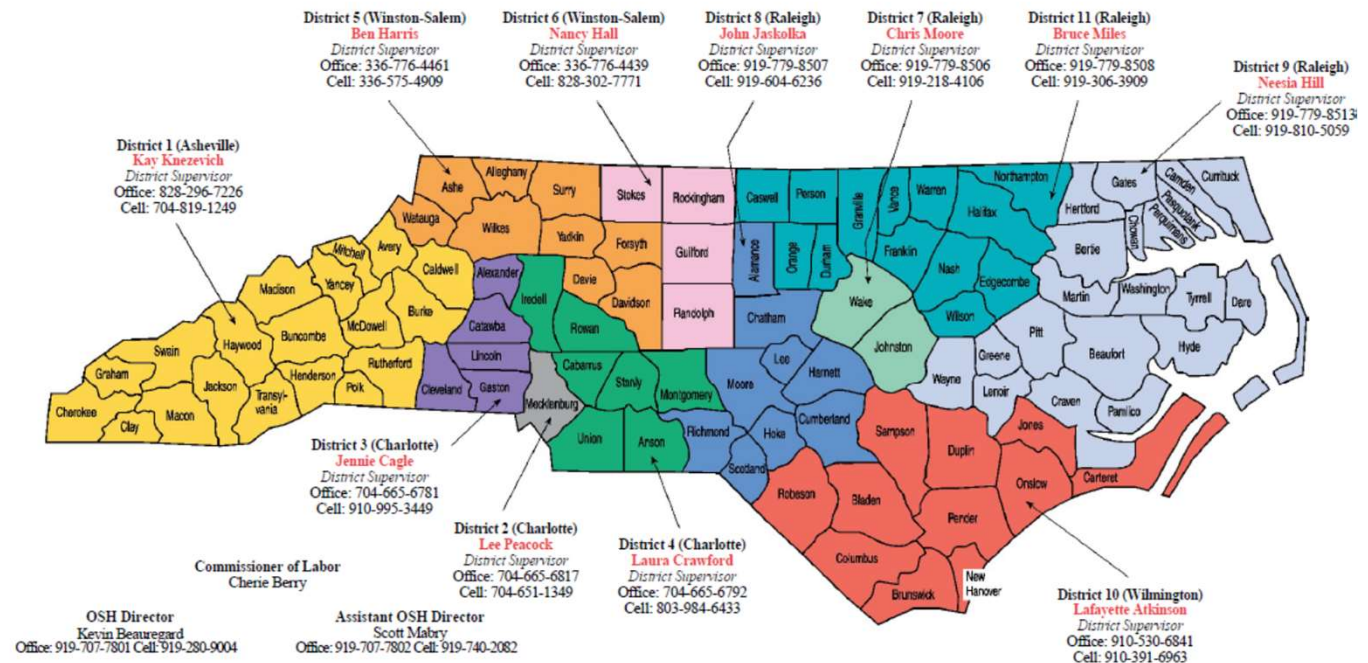
[www.nclabor.com/osha/consult/request\\_consultation.pdf](http://www.nclabor.com/osha/consult/request_consultation.pdf)

## Consultation Safety Programs:



# OSH Compliance (18b State Plan)

- East & West Bureaus
  - 102 OSHA inspectors (safety and health)
  - 11 district supervisors
  - 2 bureau chiefs and 1 assistant director
  - Approximately 15 support staff (complaint desk, admin)
  - Offices in Raleigh, Charlotte, Winston-Salem, Asheville, and Wilmington
- Agriculture Safety & Health (ASH) – one bureau chief and a staff of eight.



Occupational Safety  
& Health Division

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# OSH Compliance Activity - Inspections

Activity	FY2021*	FY2020*	FY2019	FY2018	FY2017
<b>Total Compliance Inspections</b>	<b>2218</b>	<b>2107</b>	<b>2928</b>	<b>2442</b>	<b>2722</b>
Construction Inspections	1190	1285	1682	1198	1306
Fatality Inspections	85	71	54	46	36
Complaint %	19.3%	17.4%	20.0%	24.4%	28.5%
Referral %	10.1%	8.7%	8.9%	10.8%	11.5%
Follow-up %	2.9%	2.7%	3.6%	4.5%	2.8%
Public Sector %	5.7%	4.6%	6.4%	6.7%	4.3%

\*Numbers affected by COVID pandemic during FY2020 between April and September 2020 and all of FY2021

# OSH Compliance Activity - Citations

Activity	FY2021*	FY2020*	FY2019	FY2018
<b>Total Compliance Inspections</b>	<b>2218</b>	<b>2107</b>	<b>2928</b>	<b>2442</b>
% of Inspections without Violations (In-Compliance)	36.4%	35.2%	32.3%	34.4%
% of Inspections with Serious, Willful or Repeat Violations	<b>53.9%</b>	56.1%	56.3%	53.6%
Total Violations	5433	4955	7807	6146
Serious Violations	3428	3388	4958	3859
Repeat Violations	210	203	219	140
Willful Violations	22	12	22	8
SWR Violations/Inspection	1.65	1.71	1.78	1.64
Total Current Penalty	\$7.22M	\$6.53M	\$7.99M	\$5.57M
Average Penalty per Inspection	\$3255	\$3098	\$2729	\$2279
% of Inspections with Citations Contested	<b>3.0%</b>	5.2%	5.3%	4.3%

\*Numbers affected by COVID pandemic during FY2020 between April and September 2020 and all of FY2021

# FY2021 – Fatality Information

- There were **88** work-related fatalities (in all industries)
  - Up from **79** in FY2020, **54** in FY2019 and **49** in FY2018
  - The 88 fatalities included 32 that were related to COVID-19, plus five related to criminal activity. If you remove those two categories, the total drops to **51** for FY2021.

FATALITY TYPE	Total	FATALITY TYPE	Total
<i>Struck By</i>	<b>16</b>	<i>Inhalation</i>	<b>3</b>
<i>Caught In/Between</i>	<b>9</b>	<i>Ingestion</i>	<b>0</b>
<i>Bite/Sting/Scratch</i>	<b>0</b>	<i>Absorption</i>	<b>0</b>
<i>Fall (Same Level)</i>	<b>0</b>	<i>Repeated Motion/Pressure</i>	<b>0</b>
<i>Fall (From Elevation)</i>	<b>12</b>	<i>Cardio/Respiratory</i>	<b>2</b>
<i>Struck Against</i>	<b>1</b>	<i>Shock</i>	<b>5</b>
<i>Rubbed/Abraded</i>	<b>0</b>	<i>Other</i>	<b>3</b>
<i>COVID-19</i>	<b>32</b>	<i>Criminal Activity</i>	<b>5</b>

# FY 2021 – COVID-19

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- COVID certainly impacted OSHNC activities during the year. Here are some COVID numbers for FY2021:
    - 32 “work-related” fatalities reported
    - 45 hospitalizations reported
    - 108 inspections conducted
    - 2442 complaints received
- » **1306 were considered valid.** Nearly all were investigated by letter with a response required from the employer.
- » **1136 were considered non-valid.** Letters were sent for most of these to notify the employer of the complaint and provide them with a list of COVID resources.

# COVID Standards

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- The first COVID Emergency Temporary Standard (ETS-1) was promulgated by Federal OSHA under 29 CFR 1910.502 and effective June 21, 2021.
  - OSHNC adopted it as a permanent standard on July 21, 2021.
  - On December 27, 2021, Federal OSHA announced they are withdrawing the non-recordkeeping portion of ETS-1, though they are still working on a final rule.
  - The ETS-1 is still in effect in NC. As of 1/5/22, OSHNC has issued (or written) 25 citations under 29 CFR 1910.502, with a total penalty of around \$47k.
  - The most common citations have been for not developing a COVID-19 plan for the workplace and not conducting a workplace-specific hazard assessment.



# COVID Standards

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- The second COVID Emergency Temporary Standard (ETS-2) was promulgated on November 5, 2021 (as 29 CFR 1910.501).
  - This standard addresses vaccinations, testing, and face masks for employers controlling 100+ employees.
  - Employers must comply with most provisions by January 10, 2022.
  - The standard was initially stayed by the courts, but that stay was lifted by the 6<sup>th</sup> Circuit Court of Appeals and is set for oral arguments before the SCOTUS on January 7, 2022.
  - OSH State Plan states (such as NC) have until January 7, 2022, to notify Federal OSHA of their intent to adopt.

# OSHNC Special Emphasis Programs

## § 95-136.1. Special emphasis inspection program.

(a) As used in this section, a "special emphasis inspection" is an inspection by the Department's occupational safety and health division that is scheduled because of an employer's high frequency of violations of safety and health laws or because of an employer's high risk or high rate of work-related fatalities or work-related serious injuries or illnesses.

Field Information System

Operational Procedure Notice 123V

**Subject:** Special Emphasis Program for Construction Activities.

A. **Purpose.**

This Operational Procedure Notice (OPN) establishes a North Carolina Occupational Safety and Health (OSH) Division Special Emphasis Program (SEP) to decrease fatalities related to the construction industry, specifically North American Industry Classification System (NAICS) sectors 236 - 238. This SEP will also focus on hazards associated with operations that involve tower and mobile cranes.

# Strategic Plan

## *Special Emphasis Programs (SEP)*

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- *Construction*
- *Logging and Arboriculture*
- *Long Term Care Facilities*
- *Health Hazards*
- *Food Manufacturing*
- *Grocery and Related Product Wholesalers*
- *Amputations*

NCDOL Photo Library



# Construction SEP

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- SIC Codes 1500 – 1799
- 1190 Inspections (53.7% of total)
- 36.8% in-compliance
- Serious, Willful, or Repeat (SWR) violations identified on **60.1%** of inspections.
- 1.86 SWR violations per inspection
- Average penalty is \$2812 per inspection

# FY2021 – Construction Fatalities

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- There were 18 fatalities in the construction industry in FY2021.

- 26 in FY2020
- 18 in FY2019

<b>**By Event:</b>	<b>#</b>
Struck By	5
Caught In/Between	3
Bite/Sting/Scratch	0
Fall (Same Level)	0
Fall (From Elevation)	7
Struck Against	0
Rubbed/Abraded	0
Inhalation	0
Ingestion	0
Absorption	0
Repeated Motion/Press.	0
Cardio/Respiratory	0
Shock	2
Other***	1
<b>Total</b>	<b>18</b>

# FY2021 – Construction Struck-bys

Source: OSHNC OFIR Report FY2021

50	Struck by	The victim was struck by a tree, felled by a co-worker, at a customer's residence.
64	Struck by	The victim was working along a road picking up traffic cones when he was struck by a truck.
79	Struck by	The victim, an employee of a grading and landscaping contractor, had been unstrapping/unloading logs from a dump truck after hauling them to a sawmill, was found dead with visible injuries, in the vicinity of the truck and a log which appeared had fallen from the truck.
37	Struck by	The victim, an employee who was working in front of a retaining wall, appx. 100 feet wide and up to 10 feet high, was struck by the wall when it collapsed.
56	Struck by	The victim was carrying product to put into the truck when another employee in the truck started to backup and struck the victim.



# FY2021 – Construction Falls

Source: OSHNC OFIR Report FY2021

49	Fall	The victim was found on the ground after falling 25 ft. from a roof after working on gutters; the downspout in his hand touched a power line and caused him to fall. The probable cause of death was listed a multiple blunt force injuries.
47	Fall	The victim was engaged in the construction of a garage, working from a ladder and piece of 2x6 lumber, fell and struck his head on the concrete surface below.
40	Fall	The victim, was raised in a basket by a boom truck to a wall (form work concrete) being constructed; he fell to the ground while transferring from the basket to the wall.
38	Fall	The victim was on the roof replacing shingles on a house when he fell off the roof and was impaled on a stair rail.
38	Fall	The victim fell from a two-story roof on a home under construction.
38	Fall	The victim was handed a bundle of shingles to pass to a co-worker on the roof, while on a 4 ft. high scaffold. He fell from the scaffold when it broke or collapsed.

# Frequently Cited Construction Standards

Standard	#Cited	Willful	Repeat	Serious	Other	#/Pen	Avg Pen\$	Max Pen\$	Tot Init\$	Tot Curr\$
1926.501(b)(13)	415	0	83	332	0	412	2947.59	28000.00	1223250.00	1088091.00
1926.102(a)(1)	245	0	39	205	1	244	1383.27	12000.00	338900.00	309385.00
1926.503(b)(1)	176	0	4	122	50	15	88.29	2800.00	15450.00	13530.00
1926.1053(b)(1)	143	0	6	136	1	138	1572.03	6300.00	224800.00	185630.00
1926.20(b)(2)	109	0	3	103	3	98	2065.14	7000.00	225100.00	181615.00
1926.100(a)	106	0	3	103	0	102	1035.24	4000.00	108700.00	99615.00
1926.503(a)(1)	77	0	3	74	0	52	1272.08	5600.00	97950.00	91830.00
1926.1053(b)(13)	56	0	0	53	3	34	511.82	2800.00	28150.00	26415.00
1926.1053(b)(4)	41	0	1	35	5	21	640.00	4000.00	25600.00	23787.50
1926.405(g)(2)(iv)	33	0	0	0	33	2	22.73	450.00	750.00	750.00
1926.1060(a)	30	0	0	29	1	14	540.00	2100.00	16200.00	15300.00

Fall protection violations – residential >6' .501(b)(13), lack of training .503(a)(1), and failure to document training .503(b)(1)

# Frequently Cited Construction Standards

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1926.1060(a)	30	0	0	29	1	14	540.00	2100.00	16200.00	15300.00

Other PPE violations – lack of eye protection (1926.102(a)(1)) and hard hats (1926.100(a))



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Frequent and regular jobsite inspections by a competent person

# Frequently Cited Construction Standards

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1926.1060(a)	30	0	0	29	1	14	540.00	2100.00	16200.00	15300.00

Ladder violations – not extending 3' above upper landing surface (b)(1), using the top step of a stepladder (b)(13), not using it for the purpose designed (b)(4), and lack of training (.1060(a))



# Construction SEP – Residential

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# Construction SEP – Trenches

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# Willful Violations

- It is not uncommon for protective system citations to be classified as willful serious, especially when no steps at all are taken to protect employees in the trench.

## Citation 01 Item 001

Type of Violation: **Willful Serious**

29 CFR 1926.652(a)(1): Each employee in an excavation was not protected from cave-ins by an adequate protective system designed in accordance with 29 CFR 1926.652(b) or (c):

a) Construction Site, 159 Carl Eller Rd, Mars Hill, NC – where, on or about October 20, 2020, an employee was working in a 9-foot deep trench without the use of an adequate protective system. The employee suffered serious injuries when the trench collapsed while he was installing sections of 8' long and 15" diameter concrete storm water drainage pipe.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Immediately Upon Receipt**  
**\$28,000.00**

# Logging/Tree Felling SEP

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- Most of these inspections fall under SIC codes 2411 for logging and 0783 for ornamental shrub and tree services.
- 34 inspections in FY2021, including 3 fatalities.
- 29.4% in-compliance
- Serious, Willful, or Repeat (SWR) violations identified on **47.1%** of inspections.
- Most of the citations for these inspections for under the logging standard (1910.266), PPE standards, or the General Duty Clause.



# Long Term Care SEP

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- High injury and illness rates in the past were due primarily to sprains/strains and other ergonomic issues. That changed significantly in 2020 due to COVID.
- 46 inspections in FY2021, including 5 fatalities.
- 15.2% in-compliance
- Serious, Willful, or Repeat (SWR) violations identified on **56.5%** of inspections.

# LTC – Frequently Cited Standards

Standard	#Cited	Willful	Repeat	Serious	Other	#/Pen	Avg Pen\$	Max Pen\$	Tot Init\$	Tot Curr\$
1910.134(f)(2)	8	0	0	7	1	7	4962.50	7000.00	39700.00	37600.00
1910.134(e)(1)	6	0	0	5	1	4	1625.00	4200.00	9750.00	9270.00
1904.39(a)(1)	4	0	0	0	4	4	4000.00	4000.00	16000.00	15200.00
1910.1030(c)(1)(iv)	3	0	0	2	1	1	1083.33	3250.00	3250.00	2112.00
1910.134(k)(3)	3	0	0	3	0	2	4433.33	7000.00	13300.00	11200.00
1904.29(b)(3)	2	0	0	0	2	2	725.00	800.00	1450.00	1290.00
1904.30(b)(1)	2	0	0	0	2	2	650.00	650.00	1300.00	1200.00
1910.134(k)(1)(i)	2	0	0	1	1	1	2100.00	4200.00	4200.00	4200.00
1910.147(c)(6)(i)	2	0	0	1	1	1	975.00	1950.00	1950.00	1268.00
1910.37(b)(2)	2	0	0	0	2	0	0	0	0	0

Unlike the pre-pandemic years when bloodborne pathogens citations predominated, the main violations identified in FY2021 involved respirator fit testing, medical evaluations, and training.



# Respirators in LTC

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# Health Hazards SEP

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- This SEP is an off-shoot of our general schedule targeting program that pulls random assignments from high hazard industries.
- Those assignments are then cross-referenced to NAICS codes likely to have silica, lead, asbestos, hexavalent chromium, and isocyanates (based on OSHA directives).
- 97 inspections conducted in FY2021
- 33% in-compliance, 54.6% have SWR violations
- These average 1.68 SWR *items*/inspection compared to 1.26 for all inspections – 33% higher.

# Food Manufacturing SEP

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- Covers establishments under NAICS 311 due to high injury/illness rates. In 2019, the DART rate was 2.1 for food manufacturing vs. 1.2 for all private industry.
- Assignments are generated via our normal targeting procedures, as well as through accidents and complaints.
- 51 inspections were conducted in FY2021, including two fatalities involving hydrogen sulfide exposure in a confined space.
- 17.6% in-compliance, 60.8% have SWR violations
- These average 1.86 SWR *items*/inspection compared to 1.26 for all inspections – nearly 48% higher.





# Food SEP – Frequent Citations (2 yr)

Standard	#Cited	Willful	Repeat	Serious	Other	#/Pen	Avg Pen\$	Max Pen\$	Tot Init\$	Tot Curr\$
1910.147(c)(4)(i)	14	2	1	11	0	14	15310.71	70000.00	214350.00	201400.00
1910.147(c)(6)(i)	12	0	1	8	3	6	2700.00	14000.00	32400.00	30375.00
1910.1200(h)(1)	11	0	1	2	8	5	1295.45	6300.00	14250.00	7725.00
1910.212(a)(1)	10	1	1	8	0	10	11410.00	70000.00	114100.00	109000.00
1910.305(g)(1)(iv)(A)	10	0	0	0	10	1	150.00	1500.00	1500.00	0
1910.1200(g)(8)	9	0	0	1	8	2	241.67	1200.00	2175.00	2175.00
1910.212(a)(3)(ii)	8	0	0	8	0	7	3300.00	7000.00	26400.00	21611.00
95.129(01)	8	0	0	8	0	8	4618.75	7000.00	36950.00	31390.00
1910.157(e)(2)	7	0	0	0	7	0	0	0	0	0
1910.132(d)(2)	6	0	0	1	5	0	0	0	0	0
1910.157(c)(1)	6	0	0	0	6	0	0	0	0	0
1910.303(b)(2)	6	0	1	0	5	1	16.67	100.00	100.00	100.00
1910.1200(e)(1)	5	0	0	0	5	3	210.00	450.00	1050.00	850.00
1910.133(a)(1)	5	0	0	2	3	4	630.00	1350.00	3150.00	1490.00
1910.178(l)(4)(iii)	5	0	0	1	4	1	300.00	1500.00	1500.00	1000.00

- Control of hazardous energy (LOTO)



# Food SEP – Frequent Citations (2 yr)

Standard	#Cited	Willful	Repeat	Serious	Other	#/Pen	Avg Pen\$	Max Pen\$	Tot Init\$	Tot Curr\$
1910.147(c)(4)(i)	14	2	1	11	0	14	15310.71	70000.00	214350.00	201400.00
1910.147(c)(6)(i)	12	0	1	8	3	6	2700.00	14000.00	32400.00	30375.00
1910.1200(h)(1)	11	0	1	2	8	5	1295.45	6300.00	14250.00	7725.00
1910.212(a)(1)	10	1	1	8	0	10	11410.00	70000.00	114100.00	109000.00
1910.305(g)(1)(iv)(A)	10	0	0	0	10	1	150.00	1500.00	1500.00	0
1910.1200(g)(8)	9	0	0	1	8	2	241.67	1200.00	2175.00	2175.00
1910.212(a)(3)(ii)	8	0	0	8	0	7	3300.00	7000.00	26400.00	21611.00
95.129(01)	8	0	0	8	0	8	4618.75	7000.00	36950.00	31390.00
1910.157(e)(2)	7	0	0	0	7	0	0	0	0	0
1910.132(d)(2)	6	0	0	1	5	0	0	0	0	0
1910.157(c)(1)	6	0	0	0	6	0	0	0	0	0
1910.303(b)(2)	6	0	1	0	5	1	16.67	100.00	100.00	100.00
1910.1200(e)(1)	5	0	0	0	5	3	210.00	450.00	1050.00	850.00
1910.133(a)(1)	5	0	0	2	3	4	630.00	1350.00	3150.00	1490.00
1910.178(l)(4)(iii)	5	0	0	1	4	1	300.00	1500.00	1500.00	1000.00

- Machine guarding

# Food SEP – Frequent Citations

Standard	#Cited	Willful	Repeat	Serious	Other	#/Pen	Avg Pen\$	Max Pen\$	Tot Init\$	Tot Curr\$
1910.147(c)(4)(i)	14	2	1	11	0	14	15310.71	70000.00	214350.00	201400.00
1910.147(c)(6)(i)	12	0	1	8	3	6	2700.00	14000.00	32400.00	30375.00
1910.1200(h)(1)	11	0	1	2	8	5	1295.45	6300.00	14250.00	7725.00
1910.212(a)(1)	10	1	1	8	0	10	11410.00	70000.00	114100.00	109000.00
1910.305(g)(1)(iv)(A)	10	0	0	0	10	1	150.00	1500.00	1500.00	0
1910.1200(g)(8)	9	0	0	1	8	2	241.67	1200.00	2175.00	2175.00
1910.212(a)(3)(ii)	8	0	0	8	0	7	3300.00	7000.00	26400.00	21611.00
95.129(01)	8	0	0	8	0	8	4618.75	7000.00	36950.00	31390.00
1910.157(e)(2)	7	0	0	0	7	0	0	0	0	0
1910.132(d)(2)	6	0	0	1	5	0	0	0	0	0
1910.157(c)(1)	6	0	0	0	6	0	0	0	0	0
1910.303(b)(2)	6	0	1	0	5	1	16.67	100.00	100.00	100.00
1910.1200(e)(1)	5	0	0	0	5	3	210.00	450.00	1050.00	850.00
1910.133(a)(1)	5	0	0	2	3	4	630.00	1350.00	3150.00	1490.00
1910.178(l)(4)(iii)	5	0	0	1	4	1	300.00	1500.00	1500.00	1000.00

- General Duty Clause (such as for combustible dust).

# Grocery Wholesalers SEP

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- Covers establishments under NAICS 4244 due to high injury/illness rates. In 2019, the DART rate was 2.3 for grocery wholesalers vs. 1.2 for all private industry.
- 27 inspections conducted in FY2021
- 14.8% in-compliance, 55.6% have SWR violations
- These average 1.22 SWR *items*/inspection compared to 1.26 for all inspections.





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# Grocery SEP – Frequently Cited Standards

Standard	#Cited	Willful	Repeat	Serious	Other	#/Pen	Avg Pen\$	Max Pen\$	Tot Init\$	Tot Curr\$
1910.157(e)(2)	11	0	2	0	9	2	36.36	200.00	400.00	330.00
1910.157(c)(1)	7	0	2	0	5	2	214.29	1000.00	1500.00	1200.00
1910.37(b)(2)	7	0	1	0	6	1	28.57	200.00	200.00	150.00
1910.1200(g)(8)	6	0	0	2	4	2	400.00	1500.00	2400.00	1875.00
1910.303(g)(1)(ii)	6	0	0	0	6	0	0	0	0	0
1910.36(g)(2)	6	0	0	0	6	1	200.00	1200.00	1200.00	1200.00
1910.178(l)(4)(iii)	4	0	0	3	1	4	2075.00	4200.00	8300.00	6830.00
1910.178(q)(7)	4	0	0	2	2	1	300.00	1200.00	1200.00	1200.00
1910.1200(h)(1)	3	0	0	0	3	0	0	0	0	0
1910.157(e)(3)	3	0	0	0	3	0	0	0	0	0
1910.303(b)(2)	3	0	0	0	3	2	433.33	1200.00	1300.00	880.00
1910.303(g)(1)	3	0	0	0	3	0	0	0	0	0
1910.305(b)(2)(i)	3	0	1	0	2	0	0	0	0	0
1910.305(g)(1)(iv)(A)	3	0	1	0	2	1	66.67	200.00	200.00	130.00

- Forklift re-evaluations every 3 years and inspections.



# Amputations SEP

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- Our newest SEP. Started in FY2020 after a planning year in FY2019. This is a critical SEP. In FY2021, OSHNC received reports of the following:
  - 164 events of “amputation-digit”
  - 10 events of “amputation-limb”
  - 21 events of “pulled into machinery”
- The SEP includes accidents, complaints, and programmed-planned assignments.
- 162 total SEP inspections were conducted in FY2021
- 21.0% in-compliance, 74.1% have SWR violations.
- These average 1.72 SWR *items*/inspection compared to 1.26 for all inspections – 37% higher.
- Average penalty on these inspections is \$7875, over double the average inspection. **9.3% have been contested.**

# Case Law Language – Exposure

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- The Act provides that guarding is required where employee exposure to a fall from a height over 6' is "possible." This includes the **possibility of occasional, casual, or even inadvertent exposure.** Budd-Piper Roofing, 216 NCOSHD at 327 The access test is predicated on the recognition that **"[s]ome carelessness and negligence is anticipated and expected."**
  - Commissioner of Labor vs. Flatiron-Lane, A Joint Venture, OSHANC 2011-5263

# Amputation SEP – Targeting

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- A very important part of this SEP is the targeting program. Unlike our general schedule targeting program that uses data from Federal OSHA, **our Amputations SEP uses injury and industry data that is specific to NC.**
- We've identified the industries (NAICS codes) with the highest incidence rate for amputations in NC and our PSIM Bureau pulls random assignments for inspection.

# Amputation SEP – Targeting

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- In FY2020 and FY2021, OSHNC Compliance conducted 100 programmed-planned inspections under this new Amputations SEP targeting program:
  - The in-compliance rate is **18.0%**
  - **76.0%** of inspections have identified SWR violations
  - The inspections are averaging 2.05 SWR items per inspection, which is 63% higher than the average inspection.
  - Only **1.0%** of these *programmed* inspections have been contested.



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Occupational Safety  
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# Typical Amputation SEP Citations

Cit	Item	Grp	Standard	Type	Issue Date	Abate Date	Abate	Contest Date	Final
01	001		1910.147(c)(4)(i)	S	08/04/2020	08/13/2020	X	00/00/0000	
01	002		1910.147(c)(6)(i)	S	08/04/2020	08/13/2020	X	00/00/0000	
01	003		1910.212(a)(1)	S	08/04/2020	08/10/2020	I	00/00/0000	
01	004		1910.212(a)(3)(ii)	S	08/04/2020	08/13/2020	X	00/00/0000	
01	005		1910.212(a)(5)	S	08/04/2020	08/10/2020	I	00/00/0000	

Cit	Item	Grp	Standard	Type	Issue Date	Abate Date	Abate	Contest Date	Final
01	001	a	1910.147(c)(7)(i)	S	01/24/2020	02/07/2020	X	00/00/0000	
01	001	b	1910.147(c)(4)(i)	S	01/24/2020	02/07/2020	X	00/00/0000	
01	002		1910.212(a)(1)	S	01/24/2020	02/07/2020	X	00/00/0000	
01	003		1910.213(c)(1)	S	01/24/2020	02/07/2020	X	00/00/0000	
01	004		1910.213(h)(1)	S	01/24/2020	02/07/2020	X	00/00/0000	
01	005		1910.213(m)(1)	S	01/24/2020	02/07/2020	X	00/00/0000	
01	006		1910.213(p)(4)	S	01/24/2020	02/07/2020	X	00/00/0000	
02	001		1904.1(a)(2)	N	01/24/2020	02/07/2020	X	00/00/0000	
02	002		1904.39(a)(2)	N	01/24/2020	02/07/2020	X	00/00/0000	

# In Conclusion...

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- NC continues to be one of the safest states in the country in terms of TRC and DART rates.
- OSHNC is a leader among OSHA programs with strong components in education & training, consultation, recognition programs, and compliance.
- OSHNC continues to develop and implement special emphasis programs to focus our limited resources on industries with a high number of injuries or fatalities.

# Thank You For Attending!

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## Questions?

**1-800-NC-LABOR**

(1-800-625-2267)

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Occupational Safety  
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Josh Dobson, Commissioner of Labor

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