CHAPTER 07 - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

SUBCHAPTER 07A - GENERAL RULES AND OPERATIONAL PROCEDURES

SECTION .0100 - PURPOSE: DEFINITIONS

13 NCAC 07A .0101 NAME: ADDRESS

The office of occupational safety and health is located in the Raleigh office of the North Carolina Department of Labor and is known as the OSH Division. The mailing address of the office is: Occupational Safety and Health Division, North Carolina Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101.

History Note: *Authority G.S. 95-133;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. January 1, 2020.

13 NCAC 07A .0102 PURPOSE: RESPONSIBILITIES

In order to ensure the safety and health of employees throughout the state, the division administers the Occupational Safety and Health Act of North Carolina through a broad program of consultative services, education and training, and inspections.

History Note: *Authority G.S. 95-133;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0103 DEFINITIONS

(a) The following definitions shall apply throughout this Chapter:

(1) Act. The Occupational Safety and Health Act of North Carolina, G.S. 95, Article 16;

(2) Division. The Occupational Safety and Health Division, or OSH, name used to denote the office of occupational safety and health;

(3) Director. The Director of the Office of Occupational Safety and Health, Occupational Safety and Health Division, or OSH;

(4) Days. Calendar days unless otherwise specified. In computing 20 calendar days the day of receipt of any notice shall not be included, but the last day of the 20 calendar days shall be included;

(5) Working days. Days of the week from Monday through Friday, but shall not include Saturdays, Sundays or state holidays. In computing 15 working days, the day of receipt of any notice shall not be included, but the last day of the 15 working days shall be included;

(6) Inspection. Any inspection of an employer's factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer, and includes any inspection conducted pursuant to a complaint filed, any reinspection, follow-up inspection, accident investigation or other inspection conducted pursuant to G.S. 95-136 or 95-136.1.

(b) The definitions and interpretations contained in G.S. 95-127 of the Act shall be applicable to such terms when used in this Chapter.

History Note: *Authority G.S. 95-127; 95-136(g);*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 2, 1993; July 1, 1988; September 20, 1976;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. January 1, 2020.

SECTION .0200 - ORGANIZATION

13 NCAC 07A .0201 DIVISION: GENERAL
13 NCAC 07A .0202 STANDARDS AND INSPECTIONS SECTION
13 NCAC 07A .0203 EDUCATION AND TRAINING SECTION
13 NCAC 07A .0204 CONSULTATIVE SERVICES SECTION
13 NCAC 07A .0205 SAFETY AND HEALTH ENGINEERING SECTION
13 NCAC 07A .0206 ADVISORY COUNCIL
13 NCAC 07A .0207 REVIEW BOARD

History Note: *Authority G.S. 95-126; 95-133; 95-134; 95-136; 95-147;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. February 21, 1978;
Repealed Eff. July 1, 1988.

SECTION .0300 - PROCEDURES

13 NCAC 07A .0301 INCORPORATION BY REFERENCE

(a) Subject to the exceptions provided in Paragraph (h) of this Rule, the provisions of Title 29 of the Code of Federal Regulations referenced below are incorporated by reference throughout this Chapter, including subsequent amendments and editions thereof. Copies of these standards are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Printing Publishing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at http://bookstore.gpo.gov. The cost is sixty-seven dollars ($67.00) for Title 29, Parts 1900-1910:

(1) 29 CFR 1903 – Inspections, Citations, and Proposed Penalties;
(2) 29 CFR 1904 – Recording and Reporting Occupational Injuries and Illnesses;
(3) 29 CFR 1905.10(b) – Variances and Other Relief under Section 6(b)(6)(A);
(4) 29 CFR 1905.11(b) – Variances and Other Relief under Section 6(b)(6)(A); and
(5) 29 CFR 1908 – Consultation Agreements.

(b) The provisions of 29 CFR 1910 are incorporated by reference in accordance with 13 NCAC 07F .0101. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the North Carolina Department of Labor, via U.S. Mail at 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, via telephone at (919) 707-7876, or via the internet at www.labor.nc.gov. The cost is thirty-seven dollars ($37.00), plus postage and mailing costs.

(c) The provisions of 29 CFR 1915 are incorporated by reference in accordance with 13 NCAC 07F .0501. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Publishing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at http://bookstore.gpo.gov. The cost is thirty-five dollars ($35.00) for Title 29, Parts 1911-1925.

(d) The provisions of 29 CFR 1917 are incorporated by reference in accordance with 13 NCAC 07F .0502. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Printing Publishing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at http://bookstore.gpo.gov. The cost is thirty-five dollars ($35.00) for Title 29, Parts 1911-1925.

(e) The provisions of 29 CFR 1926 are incorporated by reference in accordance with 13 NCAC 07F .0201. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the North Carolina Department of Labor, via U.S. Mail at 1101 Mail Service Center, Raleigh, North Carolina 27699-1101, via telephone at (919) 707-7876, or via the internet at www.labor.nc.gov. The cost is thirty-two dollars ($32.00), plus postage and mailing costs.

(f) The provisions of 29 CFR 1928 are incorporated by reference in accordance with 13 NCAC 07F .0301. Copies of this standard are available for public inspection at the North Carolina Department of Labor, or may be obtained from the U.S. Government Publishing Office, via U.S. Mail at 732 N. Capitol Street, N.W., Washington, DC 20401, via telephone at (866) 512-1800, or via the internet at http://bookstore.gpo.gov. The cost is sixty-eight dollars ($68.00) for Title 29, Parts 1927-END.

(g) The following Safety Library Publications (hereinafter referenced as SLP) are incorporated by reference and include subsequent amendments and editions of the standards. The rules of this Chapter shall control when any conflict between these Rules and the following standards exists. Copies of the following applicable SLP publications are available for inspection at the North Carolina Department of Labor or may be obtained from The Institute of Makers of Explosives, via U.S. Mail at 1120 Nineteenth Street N.W., Suite 310, Washington, D.C., 20036, via telephone at (202) 429-9280, or via the internet at www.ime.org.

(1) SLP 17 - Safety in the Transportation, Storage, Handling & Use of Commercial Explosive Materials - ($20.00).

(2) SLP 20 – Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators (Blasting Caps) – ($20.00).

(3) SLP 22 – Recommendations for the Safe Transportation of Detonators in a Vehicle with Certain Other Explosive Materials – ($20.00).

(h) The provisions of Title 29 of the Code of Federal Regulations referenced in Paragraph (a) of this Rule are subject to the following exceptions:

(1) All references to the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq) shall mean the Occupational Safety and Health Act of North Carolina, G.S. 95, Article 16;

(2) All references to the Occupational Safety and Health Review Commission shall mean the North Carolina Occupational Safety and Health Review Commission as established in G.S. 95-135;

(3) All references to Area Offices of the Occupational Safety and Health Administration, U.S. Department of Labor, shall mean the North Carolina Department of Labor, Occupational Safety and Health Division (or OSH Division);

(4) All references to the Secretary or Assistant Secretary shall mean the Commissioner of the North Carolina Department of Labor or his authorized representative;

(5) All references to Area Director, Regional Administrator, or Assistant Regional Director shall mean the Director of the Occupational Safety and Health Division (North Carolina Department of Labor) or his authorized representative;

(6) All references to Regional Solicitor or Solicitor of Labor shall mean the Attorney General, Labor Division, North Carolina Department of Justice;

(7) All references to Compliance Officers shall mean State compliance safety and health officers;

(8) All references to the Federal Rules of Civil Procedure shall mean the North Carolina Rules of Civil Procedure;

(9) Within 29 CFR 1903.14, "Citations; notices of de minimis violations," any reference to a notice of de minimis violations is deleted as North Carolina does not have a procedure for issuance of a notice with respect to de minimis violations that have no direct or immediate relationship to safety or health;

(10) 29 CFR 1903.14a(c)(1) that requires the posting of a petition for modification for a period of 10 working days shall be for a period of 15 working days, and 29 CFR 1903.14a(c)(2) that refers to the failure to file an objection within 10 working days of the date of posting shall be 15 working days of the posting;

(11) 29 CFR 1903.22, "Definitions," is not incorporated;

(12) 29 CFR 1908 shall be applicable to private sector consultations, and shall be used as guidance for consultations to state and local governments in North Carolina under the State Plan.

History Note: *Authority G.S. 95-133; 150B-21.6;*
Eff. August 2, 1993;
Amended Eff. December 1, 2010; March 1, 2010; December 1, 2003; June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. January 1, 2020.

13 NCAC 07A .0302 COPIES AVAILABLE

History Note: *Authority G.S. 95-133; 150B-21.6;*
Eff. August 2, 1993;
Amended Eff. July 1, 1998; June 1, 1994;
Codifier determined that agency's findings of need did not meet criteria for temporary rule on March 20, 2000;
Amended Eff. April 1, 2001;
Temporary Amendment Eff. December 1, 2001; March 20, 2000;
Amended Eff. August 1, 2002;
Repealed Eff. December 1, 2010.

13 NCAC 07A .0303 DISCLOSURE

History Note: *Authority G.S. 95-129; 95-136(el); 95-136(g);*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Recodified from 13 NCAC 7B .1001 Eff. August 2, 1993;
Amended Eff. February 1, 2004; August 2, 1993;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Expired Eff. May 1, 2026 pursuant to G.S. 150B-21.3A.

13 NCAC 07A .0401 CAROLINA STAR PROGRAM

History Note: *Authority G.S. 95-133;*
Eff. August 2, 1993;
Repealed Eff. April 1, 2001.

SECTION .0500 - STATE ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Editor's Note: 13 NCAC 7A .0501 - .0513 was recodified from 13 NCAC 7B .0701 - .0713 Eff. August 2, 1993.

13 NCAC 07A .0501 PURPOSE AND SCOPE
13 NCAC 07A .0502 MEMBERSHIP
13 NCAC 07A .0503 TERMS OF MEMBERSHIP
13 NCAC 07A .0504 MEETINGS

History Note: *Authority G.S. 95-134;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 2, 1993; February 21, 1978;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Expired Eff. May 1, 2026 pursuant to G.S. 150B-21.3A.

13 NCAC 07A .0505 ADVICE AND RECOMMENDATIONS
13 NCAC 07A .0506 QUORUM

History Note: *Authority G.S. 95-134;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

13 NCAC 07A .0507 NOTICE OF MEETINGS
13 NCAC 07A .0508 CONTENTS OF NOTICE

History Note: *Authority G.S. 95-134;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Expired Eff. May 1, 2026 pursuant to G.S. 150B-21.3A.

13 NCAC 07A .0509 ASSISTANCE TO THE COUNCIL
13 NCAC 07A .0510 MINUTES: TRANSCRIPT
13 NCAC 07A .0511 SUBCOMMITTEES AND SUBGROUPS

History Note: *Authority G.S. 95-134;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

13 NCAC 07A .0512 PETITIONS FOR CHANGES IN THE RULES: COMPLAINTS
13 NCAC 07A .0513 ADVICE OF THE ADVISORY COUNCIL

History Note: *Authority G.S. 95-134;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. January 1, 2020;
Expired Eff. May 1, 2026 pursuant to G.S. 150B-21.3A.

SECTION .0600 - SAFETY AND HEALTH PROGRAMS AND COMMITTEES

13 NCAC 07A .0601 PURPOSE AND SCOPE

(a) This Section sets forth rules of procedure for implementation of G.S. 95, Article 22 which is entitled "Safety and Health Programs and Committees."

(b) The purpose of this Section is to establish programs which will promote safety and health for all North Carolina employers with a workers' compensation experience rate modifier of 1.5 or above. Employee Safety and Health Committees will be established by all North Carolina employers having 11 or more employees and an experience rate modifier of 1.5 or above.

(c) For the purposes of Rules .0603 and .0606 of this Section, compliance with the safety and health program and the safety and health training requirements of the Mine Safety and Health Administration of the United States Department of Labor shall be deemed sufficient for compliance with Rules .0603 and .0606 of this Section for those operations subject to the federal Mine Safety and Health Act (Public Law 91-173 as amended by Public Law 95-164).

History Note: *Authority G.S. 95-251; 95-252; 95-254;*
Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0602 DEFINITIONS

(a) "Fixed location worksite" means any worksite to which an employee regularly reports for at least a consecutive three month period.
(b) "Near-miss" means any accident or incident at a worksite that does not result in injury, but the potential for serious physical harm exists.
(c) "FMSHA" means the Federal Mine Safety and Health Act of 1977 [Public Law 95-164].
(d) "MSHANC" means the Mine Safety and Health Act of North Carolina as contained in North Carolina General Statute 74-24.1 et seq.
(e) "Mine Safety Laws" means MSHANC and FMSHA and the rules and standards adopted pursuant thereof.
(f) "OSHANC" means the Occupational Safety and Health Act of North Carolina as contained in North Carolina General Statute 95-126 et seq.
(g) "Regular location worksite" means a single region or geographic area where employees perform work for one employer.
(h) "Mobile work crews" means a group of employees of one specific trade (i.e. carpenters, electricians, roofers) who report to various, non-fixed worksites within one geographic area.
(i) "Multi-employer worksite" means any worksite at which more than one employer has employees reporting to work.

History Note: *Authority G.S. 95-251;*
Eff. August 2, 1993;
Amended Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0603 SAFETY AND HEALTH PROGRAMS

(a) All Safety and Health programs established under G.S. 95-251 for both fixed locations and non-fixed locations shall meet or exceed the requirements of G.S. 95-251(b)(1)-(9).
(b) The written program shall also include:

(1) The manner in which managers, supervisors, and employees are responsible for implementing the program and how the continued participation of management will be established, measured, and maintained including specifically what the leadership role of the top employer official at the worksite shall be in regard to the program.
(2) The manner in which the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls.
(3) The manner in which safe work practices and rules will be enforced.
(4) The manner in which workplace accidents will be investigated and corrective action implemented. The employer shall keep a comprehensive record of accident investigations, findings, and corresponding corrective action taken.
(5) The manner in which near-miss incidents will be investigated. Special emphasis will be placed on identifying all contributing factors to any near-miss incident. The employer shall keep a comprehensive record of each such incident and the findings relating to it, and shall keep a record of all corresponding corrective action taken.
(6) The methods used to identify, analyze and control new or existing hazards, conditions and operations, and the manner in which changes will be incorporated into the safety program, safety committee checklist, and communicated to all affected employees.
(7) Written compliance plans as required by either the Mine Safety laws or OSHA standards, whichever is applicable to the employer. Written compliance plans shall include, the following OSHA standards, when applicable: Excavations, Hazard Communication, Occupational Noise Exposure, Control of Hazardous Energy Sources (Lockout/Tagout), Respiratory Protection, Process Safety Management of Highly Hazardous Chemicals, Bloodborne Pathogens, Life Safety Code, Cotton Dust, and Confined Spaces.
(8) A written checklist of all potential hazards to be inspected during the quarterly inspections required pursuant to G.S. 95-252(c)(4)d, if applicable, including, but not limited to, checking for properly marked doors (including exit doors and doors not leading to an exit); properly working fire extinguishers; unlisted hazardous substances, improperly located hazardous substances, or hazardous substances for which there are no material safety data sheets; doorways or exit pathways that are cluttered; improperly grounded equipment and exposed live wiring and parts;

and unguarded machinery. Each item on the aforementioned written checklist shall be checked during the quarterly inspections and a copy of the list shall be retained by the employer for not less than two years. All conditions or items deemed to be out of compliance shall be immediately abated, unless circumstances beyond the control of the employer requires a longer period of time.

(9) The employer shall conduct an annual self-audit of all required safety and health programs. Written findings and a statement of remedial actions taken shall be retained for not less than two years. Companies with less than 11 employees that are not required to have safety and health committees shall appoint a company safety officer to conduct the annual self-audit.

(10) The purpose and operation of the Safety and Health Committee where such committee exists.

(11) The methods used to communicate requirements of the program to other employers or subcontractors and their employees who may be present at the same site.

History Note: *Authority G.S. 95-251;*
Eff. August 2, 1993;
Amended Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0604 SELECTION OF SAFETY COMMITTEES

(a) An employer may elect to implement any one of the following selection processes as a means of meeting the requirements for selection of representatives to employee Safety and Health committees pursuant to G.S. 95-252(d). The employer shall retain written documentation outlining any utilized selection process. An employer whose employees are represented by a collective bargaining representative must utilize either subsection 8, 9, or 10 for committee selection purposes. Any non-management employees who choose not to participate in the collective bargaining process are still considered to be represented by the collective bargaining representative for purposes of this Rule for committee selection purposes.

(1) The employer may devise and implement any means of employee selection so long as:
  (A) the employee representatives are selected "by and from among the employer's non-management employees" as specified in the statute,
  (B) minimum numbers are met, and
  (C) the intent of the statute is satisfied.

(2) The employer may require that all non-management employees serve on a Safety and Health Committee. In the instance of a small employer, there may be one committee comprised of all non-management employees which serves the entire organization. In a larger organization, there may be several committees, each addressing one or more of the responsibilities of the safety committee as outlined in G.S. 95-252, with employees divided among the committees.

(3) The employer may conduct an election at either a meeting or through the distribution of ballots. The election process shall provide for the nomination by non-management employees (including self-nominations) of non-management employees in the numbers specified by the employer, but shall not be less than one nor more than the number of non-management members specified by statute. The number of non-management employees specified by statute receiving the most nominations shall serve on the Safety and Health Committee.

(4) The employer may conduct an employee meeting at which open nominations are held and secret ballots are used to elect employee representatives. The meeting may be for all non-management employees or by working unit.

(5) The employer may conduct an employee meeting at which non-management employees nominate one peer by listing that employee's name on a ballot. The ballots shall be tallied and the appropriate number of representatives, in the numbers required by statute, shall be determined by those employees named on the most ballots.

(6) The employer may solicit nominations from all non-management employees for employee representatives to serve on the committee, then select representatives by lottery from among those nominated to obtain the statutorily appropriate number of employee representatives for the safety and health committee.

(7) The employer may solicit volunteers and nominations from among the non-management employees for a pool of applicants to serve as employee representatives on the safety committee. (If no volunteers or nominations are received, the employer shall require that nominations be

submitted from a cross section of employee work units within the establishment.) The members of the applicant pool shall select from among its ranks the initial employee representatives necessary to meet minimum numbers as specified in the statute.

(8) Employees shall be selected to serve on a safety and health committee(s) in accordance with any contract that exists between a collective bargaining unit and the employer. Should the contract not otherwise specify selection of a safety and health committee, non-management members shall be selected in a manner approved by the certified collective bargaining agent.

(9) Employers having more than one collective bargaining unit shall devise and implement a means of employee selection utilizing the provisions of the existing contracts or methods approved by the certified collective bargaining agents. Safety committee members shall be selected in proportionate numbers to the number of employees represented by the certified collective bargaining agents.

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

(b) However initial members of the committee are selected, replacement members may be chosen in accordance with one of the procedures in this Rule, or the committee may continue with the same members.

(c) Non-management employee representatives shall serve a term of at least one year, and shall not be allowed to succeed themselves in the same position more than once. Terms may be staggered. However, employers with less than 25 employees may allow non-management employee representatives to serve two successive terms.

(d) It shall not be a violation of any part of the statute if an employer has a safety and health program utilizing some other form of employee involvement which has been in operation for more than one year prior to July 15, 1993, and which is submitted for approval and subsequently approved by the Commissioner or his authorized representative, for that program to be used to satisfy the requirements of Section .0600.

History Note: *Authority G.S. 95-252;*
Eff. August 2, 1993;
Amended Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0605 SAFETY & HEALTH COMMITTEE REQUIREMENTS

(a) Multi-Site Employers:

(1) Employers with 11 or more employees who do not report to a fixed or regular location worksite are required to have a Safety and Health Committee to represent those employees. The employer must have a separate Safety and Health Committee for each mobile work crew consisting of 11 or more employees.

(2) Employers with employees who report to a fixed or regular location worksite must have a separate safety and health committee for each location with 11 or more employees.

(b) Multi-Employer Worksites:

(1) At multi-employer fixed or regular location worksites, any employer required to establish a Safety and Health Committee pursuant to G.S. 95-252 shall notify the general contractor or equivalent of the requirements of this legislation and of the chairpersons of their committee.

(2) The general contractor or equivalent shall designate a representative to attend the Safety and Health Committee meetings of the notifying employer(s).

(3) The notifying employer shall work with the general contractor or equivalent to distribute information as required by G.S. 95-251(b)(9).

History Note: *Authority G.S. 95-252;*
Eff. August 2, 1993;
Amended Eff. June 1, 1995;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0606 TRAINING AND EDUCATION

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

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

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

(1) A system for training and education of all employees in occupational safety and health hazards at the worksite. The system shall contain specific requirements that new employees not be allowed to begin work, except when participating in carefully supervised on-the-job training, until thoroughly trained in the safe use of all applicable equipment and substances, and procedures relating to their workplace environment.
(2) A system of training and education for any existing employee given a new work assignment.
(3) A system of training and education for all affected employees when a new substance, process, procedure or piece of equipment is introduced into the workplace and presents a new hazard to safety or health.
(4) A system of training and education for all affected employees when any new personal protective equipment or different work practice is used on existing hazards.
(5) Training to comply with all applicable OSHA employee training requirements, including, but not limited within General Industry to Means of Egress; Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms; Occupational Health and Environmental Control; Hazardous Materials; Personal Protective Equipment; General Environmental Controls; Medical and First Aid; Fire Protection; Materials Handling and Storage; Machinery and Machine Guarding; Welding, Cutting and Brazing; Special Industries; Electrical; Commercial Diving Operations; Toxic and Hazardous Substances, and Occupational Exposure to Hazardous Chemicals in Laboratories; including, but not limited within the Construction Industry to General Safety and Health Provisions; Occupational Health and Environmental Controls; Personal Protective and Life Saving Equipment; Fire Protection and Prevention; Signs, Signals, and Barricades; Tools - Hand and Power; Welding and Cutting; Electrical; Ladders and Scaffolding; Cranes, Derricks, Hoists, Elevators and Conveyors; Motor Vehicles, Mechanized Equipment, and Marine Operations; Excavations; Concrete and Masonry Construction; Underground Construction, Caissons, Cofferdams and Compressed Air; Demolitions; Blasting and Use of Explosives; Power Transmission Distribution; Stairways and Ladders; including, but not limited within Agriculture to Roll-Over Protective Structures, and Safety for Agricultural Equipment; and including, but not limited to the Process Safety Management Standard, the Confined Spaces Standard, Hazard Communication Standard, and the Bloodborne Pathogens Standard.

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

History Note: *Authority G.S. 95-254;*
Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0607 REPORTS

The report forms required from employers within 60 days of notification by the Commissioner of Labor of inclusion in the program shall include the following information:

(1) Name of the employer.
(2) Address of employer.
(3) Telephone number of employer.
(4) Number of employees.
(5) SIC Code.
(6) Unemployment Insurance ID number of the employer.
(7) Description of the manufacturing or work processes at this location.
(8) Name and address of any authorized collective bargaining agent.
(9) Date and Certification of compliance with G.S. 95-251 and, if applicable, G.S. 95-252.
(10) A timetable for delivery of training to employees and committee members. In no case shall the timetable for delivery of training exceed an additional 90 days beyond notification to the Commissioner of Labor of compliance with these Rules.

History Note: *Authority G.S. 95-255;*
Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SECTION .0700 - RULES OF PRACTICE FOR VARIANCES: LIMITATIONS: VARIATIONS: TOLERANCES AND EXEMPTIONS

Editor's Note: 13 NCAC 7A .0701 - .0718 were recodified from 13 NCAC 7B .0401 - .0418 Eff. August 2, 1993.

13 NCAC 07A .0701 PURPOSE AND SCOPE

(a) This Section contains rules of practice for administrative proceedings to grant variances and other relief under section 95-132, Occupational Safety and Health Act of North Carolina as contained in Article 16, of Chapter 95 of the North Carolina General Statutes.
(b) These rules shall be construed to secure a prompt and just conclusion of proceedings subject thereto.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0702 DEFINITIONS

As used in this Section, unless the context clearly requires otherwise:
(1) "Act" means the Occupational Safety and Health Act of North Carolina.
(2) "Commissioner" means the Commissioner of Labor of North Carolina.
(3) "Director" means the Director of the Office of Occupational Safety and Health of North Carolina.
(4) "Employer" means a person engaged in a business who has employees, including state or political subdivision of a state, but does not include domestic workers employed in the place of residence of his or her employer.
(5) "Party" means a person authorized to participate in a hearing conducted in accordance with Rule .0712 to .0719 of this Section. An applicant for relief and any affected employee shall be entitled to be named parties. The Department of Labor, represented by the Office of the Attorney General shall be deemed to be a party without the necessity of being named.
(6) "Affected employee" means an employee who would be affected by the grant or denial of a variance or any one of his authorized representatives, such as his collective bargaining agent.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0703 PETITIONS FOR AMENDMENTS TO THIS PART

Any person may at any time petition the Commissioner in writing to revise, amend, revoke, or suspend any provisions of this part. The petition should set forth either the terms or the substance of the rule desired, with a concise statement of the reasons therefore and the effects thereof.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0704 AMENDMENTS TO THIS PART

The Commissioner may at any time revise, amend, revoke, or suspend in the interests of justice, any provisions of this part, on his own motion or upon the written petition of any person.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0705 EFFECT OF VARIANCES

All variances granted pursuant to this part shall have only future effect. In his discretion, the Commissioner may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employer involved and a proceeding on the citation or related issue concerning a proposed penalty or period of abatement is pending before the Occupational Safety and Health Review Board or appropriate state review authority until the completion of such proceeding.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. June 8, 1977;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0706 FORM OF DOCUMENTS: SUBSCRIPTION: COPIES

(a) No particular form is prescribed for applications and other papers which may be filed in proceedings under this part. However, any applications and other papers shall be clearly legible. An original and the copies of any application or other papers shall be clearly legible. An original and two copies of any application or other papers shall be filed. The original shall be typewritten. Clear carbon copies, or printed or processed copies are acceptable copies.

(b) Each application or other paper which is filed in proceedings under this part shall be subscribed to by the person filing the same or by his attorney or other authorized representative.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0707 VARIANCES AND OTHER RELIEF UNDER SECTION 95-132(A)

(a) Application for a Temporary Variance. Any employer, or class of employers, desiring a temporary variance from a standard, or portion thereof, authorized by section 95-132 of the Act may file a written application containing

the information specified in 29 CFR 1905.10(b) with the Commissioner of the North Carolina Department of Labor, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101.

(b) Interim Order.

(1) Application. An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of facts and arguments as to why the order should be granted. The Commissioner may rule ex parte upon the application.

(2) Notice of Denial of Application. If an application filed pursuant to Subparagraph (1) of this Paragraph is denied, the applicant shall be given prompt notice of the denial, which shall include or be accompanied by, a brief statement of the grounds therefore.

(3) Notice of the Grant of an Interim Order. If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties. It shall be a condition of the order that the affected employer shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

History Note: *Authority G.S. 95-132; 95-136;*
Eff. February 1, 1976;
Amended Eff. June 8, 1977; September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1994;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. January 1, 2020.

13 NCAC 07A .0708 VARIANCES AND OTHER RELIEF UNDER SECTION 95-132(B)

Application for a Permanent Variance. Any employer, or class of employers, desiring a permanent variance authorized by G.S. 95-132(b) of the Act may file a written application with the Commissioner of the Department of Labor containing the information specified in 29 CFR 1905.11(b), which is incorporated by reference and shall automatically include any subsequent amendments thereto.

History Note: *Authority G.S. 95-132; 95-136;*
Eff. February 1, 1976;
Amended Eff. June 8, 1977; September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1998; May 1, 1994;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0709 MODIFICATION: REVOCATION: AND RENEWAL OF RULES OR ORDERS

(a) Modification or Revocation

(1) An affected employer or an affected employee may apply in writing to the Commissioner for a modification or revocation of a rule or order issued under section 95-132(a) or 95-132(b) of the Act. The application shall contain:

(A) the name and address of the applicant;

(B) a description of the relief which is sought;

(C) a statement setting forth with particularity the grounds for relief;

(D) if the applicant is an employer, a certification that the applicant has informed his affected employees of the application by:

(i) giving a copy thereof to their authorized representative;

(ii) posting at the place or places where notices to employees are normally posted, a statement giving a summary of the application and specifying where a copy of the full application may be examined (or, in lieu of the summary, posting the application itself); and

(iii) other appropriate means such as by first class mail, company newsletter or enclosed in employee pay envelopes.

(E) if the applicant is an affected employee, a certification that a copy of the application has been furnished to the employer; and

(F) any request for a hearing, as provided in Rule .0711 of this Section.

(2) The Commissioner may on his own motion proceed to modify or revoke a rule or order issued under section 95-132(a) or 95-132(b) of the Act. In such event, the Commissioner shall cause to be published a notice of his intention, affording interested persons an opportunity to submit written data, views, or arguments regarding the proposal and informing the affected employer and employees of their right to request a hearing, and shall take other action as may be appropriate to give actual notice to affected employees. The notice of hearing shall be published in the North Carolina Register. Any request for a hearing shall include a short and plain statement of:

(A) how the proposed modification or revocation would affect the requesting party, and

(B) what the requesting party would seek to show on the subjects or issues involved.

(b) Renewal. Any final rule or order issued under section G.S. 95-132(a) or G.S. 95-132(b) of the Act may be renewed or extended as permitted by the applicable section and in the manner prescribed for its issuance.

History Note: *Authority G.S. 95-132; 95-136;*
Eff. February 1, 1976;
Amended Eff. June 8, 1977; September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1994;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0710 ACTION ON APPLICATIONS

(a) Defective Applications

(1) If an application filed pursuant to Rule .0707, or .0708, or .0709 of this Section does not conform to the applicable rule, the Commissioner may deny the application.

(2) Prompt notice of the denial of an application shall be given to the applicant.

(3) A notice of denial shall include, or be accompanied by, a brief statement of the grounds for the denial.

(4) A denial of an application pursuant to this Paragraph shall be without prejudice to the filing of another application.

(b) Adequate Applications

(1) If an application has not been denied pursuant to Paragraph (a) of this Rule the Commissioner shall publish in the North Carolina Register a notice of the filing of the application and require posting of such notice by the applicant in a conspicuous place or places where notices to employees are customarily posted. Verification of the posting of this notice shall be provided to the Commissioner.

(2) A notice of the filing of an application shall include:

(A) the terms, or an accurate summary, of the application;

(B) a reference to the section of the Act under which the application has been filed;

(C) an invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and

(D) information to affected employers and employees of any right to request a hearing on the application.

History Note: *Authority G.S. 95-132; 95-136;*
Eff. February 1, 1976;
Amended Eff. June 8, 1977; September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1994;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0711 REQUESTS FOR HEARINGS ON APPLICATIONS

(a) Request for Hearing. Within the time allowed by a notice of the filing of an application, any affected employer or employee may file with the Commissioner, in quadruplicate, a request for a hearing on the application.
(b) Contents of a Request for a Hearing. A request for a hearing pursuant to Paragraph (a) of this Rule shall include:

(1) a concise statement of facts showing how the employer or employee would be affected by the relief applied for;
(2) a specification of any statement or representation in the application which is denied, and a concise summary of the evidence that would be adduced in support of each denial; and
(3) any views or arguments on any issue of fact or law presented.

History Note: *Authority G.S. 95-132; 95-136;*
Eff. February 1, 1976;
Amended Eff. June 8, 1977;
Readopted Eff. September 30, 1977;
Amended Eff. May 1, 1994;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0712 NOTICE OF HEARING

(a) Service. Upon request for a hearing as provided in this part, or upon his own initiative, the Commissioner shall serve, or cause to be served, a reasonable notice of hearing.
(b) Contents. A notice of hearing served under Paragraph (a) of this Rule shall include:

(1) the time, place and nature of the hearing;
(2) the legal authority under which the hearing is to be held;
(3) a specification of issues of fact and law; and
(4) a designation of a hearing officer appointed to preside over the hearing.

(c) Notification. A notice of hearing issued pursuant to Paragraph (a) of this Rule shall be served on the party applying for the limitation, variation, tolerance or exemption. Notice of the hearing shall be served on the employees by posting such notice in each establishment in a conspicuous place where notices to employees are customarily posted. This notice shall remain posted for a period of not less than five days prior to the date of the hearing. Verification of the posting of this notice shall be provided to the Commissioner.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0713 MANNER OF SERVICE

Service of any document upon any party may be made by personal delivery, or by mailing a copy of the document to the last known address of the party. The person serving the document shall certify to the manner and the date of the service.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0714 HEARING OFFICERS: POWERS AND DUTIES

(a) Powers. A hearing officer designated by the Commissioner to preside over a hearing shall have all powers necessary or appropriate to conduct a fair, full, and impartial hearing, including the following:

(1) to administer oaths and affirmations;
(2) to rule upon offers of proof and receive relevant evidence;
(3) to provide for discovery and to determine its scope;

(4) to regulate the course of the hearing and the conduct of the parties and their counsel therein;
(5) to consider and rule upon procedural requests;
(6) to hold conferences for the settlement or simplification of the issues by consent of the parties;
(7) to make, or to cause to be made, an inspection of the employment or place of employment involved;
(8) to make decisions in accordance with the Act, and this part; and
(9) to take any other appropriate action authorized by the Act, this part or the Commissioner.

(b) Private Consultation. Except to the extent required for the disposition of ex parte matters, a hearing officer may not consult a party on any fact at issue, unless upon notice and opportunity for all parties to participate.

(c) Disqualification

(1) When a hearing officer deems himself disqualified to preside over a particular hearing, he shall withdraw therefrom by notice on the record directed to the Commissioner of Labor.
(2) Any party who deems a hearing officer for any reason to be disqualified to preside, or to continue to preside, over a particular hearing, may file with the Commissioner of the Department of Labor a motion to disqualify and remove the hearing officer, such motion to be supported by affidavits setting forth the alleged grounds for disqualifications. The Commissioner shall rule upon the motion.

(d) Contumacious Conduct; Failure or Refusal to Appear or Obey the Rulings of a Presiding Hearing Officer

(1) Contumacious conduct at any hearing before the hearing officer shall be grounds for exclusion from the hearing.
(2) If a witness or a party refuses to answer a question after being directed to do so, or refuses to obey an order to provide or permit discovery, the hearing officer may make such orders with regard to the refusal as are just and appropriate including an order denying the application of an applicant or regulating the contents of the record of the hearing.

(e) Referral to North Carolina Rules of Civil Procedure. On any procedural question not regulated by this part of the Act, a hearing officer shall be guided to the extent practicable by any pertinent provisions of the North Carolina Rules of Civil Procedure.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0715 PREHEARING CONFERENCES

(a) Convening a Conference. Upon his own motion or the motion of a party, the hearing officer may direct the parties or their counsel to meet with him for a conference to consider:

(1) simplification of the issues;
(2) necessity or desirability of amendments to documents for purposes of clarification, simplification, or limitation;
(3) stipulations, admissions of fact, and of contents and authenticity of documents;
(4) limitation of the number of parties and of expert witnesses; and
(5) such other matters as may tend to expedite the disposition of the proceeding, and to assure a just conclusion thereof.

(b) Record of Conference. The director shall make an order which recites the action taken at the conference, the amendments allowed to any document which have been filed, and the agreements made between the parties as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admission or agreements; and such order when entered controls the subsequent course of the hearing, unless modified at the hearing, to prevent manifest injustice.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0716 HEARINGS

(a) Order of Proceeding. Except as may be ordered otherwise by the presiding hearing officer, the party applying for a variance shall proceed first at a hearing.

(b) Burden of Proof. The party applicant shall have the burden of proof.

(c) Evidence

(1) Admissibility. A party shall be entitled to present his case or defense by oral or documentary evidence to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but a presiding hearing officer shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(2) Testimony of Witnesses. The testimony of a witness shall be upon oath or affirmation administered by the presiding hearing officer.

(3) Objections. If a party objects to the admission or rejection of any evidence, or to the limitation of the scope of any examination or cross examination, or to the failure to limit such, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the presiding hearing officer may be relied upon subsequently in a proceeding.

(4) Exceptions. Formal exception to an adverse ruling is not required.

(d) Official Notice. Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice or concerning which the Department of Labor by reason of its functions is presumed to be expert: provided, that the parties shall be given adequate notice, at the hearing or by reference in the presiding hearing officer's decision, of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(e) Transcript. Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties upon written application filed with the reporter, and upon the payment of fees at the rate provided in the agreement with the reporter.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0717 DECISIONS

(a) Proposed Findings of Fact, Conclusions, and Rules or Orders. Within 10 days after receipt of notice that the transcript of the testimony has been filed, or such additional time as the presiding hearing officer may allow, each party may file with the hearing officer proposed findings of fact, conclusions of law, and rule or order, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all other parties, and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and rules or order and supporting briefs, the hearing officer shall transmit his recommendations to the Commissioner.

(c) Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, rule or order, and the hearing officer's recommendations, the Commissioner shall make and serve upon each party his decision, which shall become final upon the 20th day after service thereof, unless exceptions are filed thereto, as provided in .0718 of this Section. The decision of the Commissioner shall include:

(1) a statement of findings and conclusions, with reasons and basis therefore, upon each material issue of fact, law, or discretion presented on the record; and

(2) the appropriate rule, order, relief, or denial thereof; The recommendations of the hearing officer shall be based upon a consideration of the whole record and shall state all facts officially noticed and relied upon. It shall be made on the basis of a preponderance of reliable and probative evidence.

History Note: *Authority G.S. 95-132;*

Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0718 EXCEPTIONS

Within 20 days after service of a decision of the Commissioner, any party may file written exceptions thereto with supporting reasons. Such exceptions shall refer to the specific findings of fact, conclusions of law, or terms of the rule or order excepted to, the specific pages of transcript relevant to the suggestions, and shall suggest corrected findings of fact, conclusions of law, or terms of the rule or order. Upon receipt of any exceptions, the Commissioner shall fix a time for filing any objections to the exceptions and any supporting reasons.

History Note: *Authority G.S. 95-132;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SECTION .0800 - INFORMAL CONFERENCE PROCEDURES

13 NCAC 07A .0801 PURPOSE

This Section sets forth the rules of procedure for implementation of G.S. 95-137(b)(1) regarding an employer's request for an informal conference following the issuance of a citation to that employer.

History Note: *Authority G.S. 95-133; 95-137;*
Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0802 TIME LIMITATIONS

(a) An employer has 15 working days from receipt of a citation to notify the Director in writing that the employer wishes to either contest under the provisions of G.S. 95-137(b)(1) or request an informal conference.
(b) The Director shall attempt to schedule the informal conference within the 15 working day contestment period. However, if the receipt of the request for an informal conference does not allow for the scheduling of the informal conference within the 15 working day contestment period, an additional 5 working days may be allowed in which to hold the informal conference.
(c) No more than 20 working days from the date of the employer's receipt of the citation shall be allowed in which to conduct an informal conference and notify the employer of the results.
(d) If an employee contests a specific abatement date with the Occupational Safety and Health Review Board pursuant to G.S. 95-130(11), no pre-contestment informal conference may be held regarding that specific abatement date.

History Note: *Authority G.S. 95-133; 95-137;*
Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0803 PARTIES TO INFORMAL CONFERENCE

In addition to any employer representatives and any OSHA personnel, employees represented by a bargaining agent shall be notified of the informal conference and invited to attend. Employees not represented by a bargaining agent shall be notified through the posting of a notice of the informal conference, and representatives of such employees may be allowed to attend the conference at the discretion of the Director.

History Note: *Authority G.S. 95-133; 95-137;*

Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0804 RESULTS OF INFORMAL CONFERENCE

(a) The results of an informal conference shall be a revised citation, a notice of no change or a settlement agreement.

(b) Any settlement agreement reached pursuant to the informal conference must specify that the employer agrees not to contest the citation or agreed upon penalty.

History Note: *Authority G.S. 95-133; 95-137;*
Eff. June 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SECTION .0900 – ACCESS TO EMPLOYEE MEDICAL RECORDS

13 NCAC 07A .0901 SCOPE AND APPLICATION

(a) The provisions of 29 CFR 1913.10 concerning OSH Division access to employee medical records do not apply. Rather, the rules in this Section apply to all requests by OSH Division personnel to obtain access to employee medical records in order to examine or copy personally identifiable medical information.

(b) For the purposes of the rules in this Section, "personally identifiable medical information" means employee medical information accompanied by either direct identifiers (name, address, social security number, payroll number) or by information which could reasonably be used in the particular circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title).

(c) The examination of personally identifiable medical information shall, to the extent practicable, be performed on-site. OSH Division personnel shall only take medical information in a personally identifiable form off-site if such information is necessary for the investigation.

(d) The rules in this Section do not apply to access to, or the use of, aggregate employee medical information or medical records on individual employees by OSH Division personnel which is not in a personally identifiable form.

(e) The rules in this Section do not apply to records required by 29 CFR 1904, to death certificates, or to employee exposure records, including biological monitoring records treated by 29 CFR 1910.1020(c)(5) or by specific occupational safety and health standards as exposure records.

(f) The rules in this Section do not apply where OSH Division personnel conduct an examination of employee medical records solely to verify employer compliance with the medical surveillance recordkeeping requirements of an occupational safety and health standard or with the employee exposure and medical record requirements of 29 CFR 1910.1020. An examination of this nature shall be conducted onsite and, if requested, shall be conducted under the observation of the record holder and the OSH Division personnel shall not record and take offsite any information from these medical records other than documentation of the fact of compliance or non-compliance.

(g) The rules in this Section do not apply to access to, or the use of, personally identifiable medical information obtained in the course of litigation.

History Note: *Authority G.S. 95-133;*
Eff. March 1, 2010;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0902 RESPONSIBLE PERSONS

(a) The Commissioner is responsible for the overall administration and implementation of the procedures contained in the rules in this Section, including making the final determinations concerning:

(1) Access to personally identifiable medical information; and

(2) Inter-agency transfer or public disclosure of personally identifiable medical information.

(b) Medical Records Coordinator. The Commissioner shall designate an OSH Division employee to oversee the security procedures established in the rules in this Section.

(c) Medical Records Administrators. The Commissioner shall designate an OSH Division employee at each field location to maintain a log of uses and transfers of personally identifiable medical information for each file, including

the name of each person accessing the information. The Medical Records Administrators shall also have primary control of the locked cabinet or vault where such records are stored and shall not allow access to the information contained in the cabinet to any person not authorized by the rules in this Section.
(d) Principal OSH Investigator. The Principal OSH Investigator shall be the OSH Division employee in each instance of access to personally identifiable employee medical information who is made primarily responsible for ensuring that the examination and use of this information is performed in the manner prescribed by the rules in this Section.

History Note: *Authority G.S. 95-133;*
Eff. March 1, 2010;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0903 SECURITY PROCEDURES; RETENTION AND DESTRUCTION OF RECORDS
(a) All medical information obtained pursuant to an investigation that contains direct personal identifiers shall be separated from the rest of the investigation file and coded with a unique identifying number for each employee. The medical information with its numerical code shall thereafter be secured in a locked cabinet or vault.
(b) The photocopying or other duplication of personally identifiable medical information shall be limited to what is necessary to accomplish the purposes for which the information was obtained.
(c) The protective measures established by the rules in this Section apply to all worksheets, duplicate copies, or other documents containing personally identifiable medical information.
(d) Transfers of personally identifiable medical information shall be by hand delivery, certified mail, or other equally protective means.
(e) In accordance with the Department records retention schedule, personally identifiable medical information and lists of coded direct personal identifiers shall be destroyed or returned to the original record holder when no longer needed for the purposes for which they were obtained or when the case file is closed.

History Note: *Authority G.S. 95-133;*
Eff. March 1, 2010;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0904 INTRA-AGENCY USE AND TRANSFER
(a) The Medical Records Administrator at each field location shall ensure that personally identifiable medical information is secured in accordance with the rules in this Section.
(b) The Principal OSH Investigator, the Medical Records Administrator, or the Director or his designee, may permit the examination or use of personally identifiable medical information by OSH Division employees who have a need for access. No OSH Division employee, other than the Principal OSH Investigator, shall examine or otherwise use personally identifiable medical information unless so permitted.
(c) Medical records shall not be transferred to Department employees outside of the OSH Division unless authorized by the Director or his designee.
(d) OSH Division employees and other Department employees are only authorized to use personally identifiable medical information for the purposes for which it was obtained, unless the written consent of the employee is obtained for a secondary purpose.

History Note: *Authority G.S. 95-133;*
Eff. March 1, 2010;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07A .0905 INTER-AGENCY TRANSFER AND PUBLIC DISCLOSURE
(a) Personally identifiable medical information shall not be transferred to another agency except as noted in Paragraph (c) of this Rule, or disclosed to the public (other than the affected employee or the original record holder) except when required by law or approved by the Commissioner or his designee.

(b) The Commissioner or his designee shall not approve a request for an inter-agency transfer or for the public disclosure of personally identifiable medical information which the affected employee has not consented to unless there are compelling circumstances affecting the health or safety of an individual or the public.
(c) Upon approval of the Commissioner or his designee, personally identifiable medical information may be transferred to:

(1) The North Carolina Attorney General's Office; or
(2) The North Carolina Occupational Safety and Health Review Commission when an employee files a notice of contest pursuant to G.S. 95-137.

History Note: *Authority G.S. 95-133;*
Eff. March 1, 2010;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SUBCHAPTER 7B - OCCUPATIONAL SAFETY AND HEALTH ACT OPERATIONAL PROCEDURES

SECTION .0100 - INSPECTIONS: CITATIONS AND PROPOSED PENALTIES

13 NCAC 07B .0101 PURPOSE AND SCOPE
13 NCAC 07B .0102 POSTING OF NOTICE: AVAILABILITY OF REGULATIONS: STANDARDS
13 NCAC 07B .0103 SECURITY CLEARANCE
13 NCAC 07B .0104 OBJECTION TO INSPECTION
13 NCAC 07B .0105 ENTRY NOT A WAIVER
13 NCAC 07B .0106 ADVANCE NOTICE OF INSPECTIONS
13 NCAC 07B .0107 CONDUCT OF INSPECTIONS
13 NCAC 07B .0108 REPRESENTATIVES OF EMPLOYERS AND EMPLOYEES
13 NCAC 07B .0109 TRADE SECRETS
13 NCAC 07B .0110 CONSULTATION WITH EMPLOYEES

History Note: *Authority G.S. 95-136; 95-143; 95-152;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 28, 1990; August 1, 1988; July 1, 1988; March 1, 1983;
Repealed Eff. August 2, 1993.

13 NCAC 07B .0111 COMPLAINTS BY EMPLOYEES

History Note: *Authority G.S. 95-130;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

13 NCAC 07B .0112 INSPECTION NOT WARRANTED: INFORMAL REVIEW
13 NCAC 07B .0113 IMMINENT DANGER
13 NCAC 07B .0114 CITATIONS: NOTICES OF DE MINIMIS VIOLATIONS
13 NCAC 07B .0115 PETITIONS FOR MODIFICATION OF ABATEMENT DATE
13 NCAC 07B .0116 PROPOSED PENALTIES
13 NCAC 07B .0117 POSTING OF CITATIONS
13 NCAC 07B .0118 EMPLOYER AND EMPLOYEE CONTESTS BEFORE THE REVIEW BOARD

History Note: *Authority G.S. 95-129; 95-133; 95-135; 95-137; 95-138; 95-140;*

Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 1, 1988; July 1, 1988; February 1, 1982;
Repealed Eff. August 2, 1993.

13 NCAC 07B .0119 FAILURE TO CORRECT A CITED VIOLATION

History Note: *Authority G.S. 95-138;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

13 NCAC 07B .0120 INFORMAL CONFERENCES
13 NCAC 07B .0121 DEFINITIONS

History Note: *Authority G.S. 95-127; 95-133;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0200 - STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

13 NCAC 07B .0201 DESCRIPTION OF THE PLAN
13 NCAC 07B .0202 WHERE THE PLAN MAY BE INSPECTED

History Note: *Authority G.S. 95-154;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988;
Repealed Eff. August 2, 1993.

13 NCAC 07B .0203 DEVELOPMENTAL SCHEDULE

History Note: *Authority G.S. 95-154;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. July 1, 1988.

SECTION .0300 - RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

13 NCAC 07B .0301 PURPOSE AND SCOPE
13 NCAC 07B .0302 LOG AND SUMMARY OF OCCUPATIONAL INJURIES AND ILLNESSES
13 NCAC 07B .0303 PERIOD COVERED
13 NCAC 07B .0304 SUPPLEMENTARY RECORD
13 NCAC 07B .0305 ANNUAL SUMMARY
13 NCAC 07B .0306 RETENTION OF RECORDS
13 NCAC 07B .0307 ACCESS TO RECORDS
13 NCAC 07B .0308 REPORTING FATALITY OR MULTIPLE HOSPITALIZATION ACCIDENTS
13 NCAC 07B .0309 FALSIFICATION OR FAILURE TO KEEP RECORDS OR REPORTS

13 NCAC 07B .0310 CHANGE OF OWNERSHIP
13 NCAC 07B .0311 DEFINITIONS
13 NCAC 07B .0312 PETITIONS FOR RECORDKEEPING EXCEPTIONS
13 NCAC 07B .0313 EMPLOYEES NOT IN FIXED ESTABLISHMENTS
13 NCAC 07B .0314 SMALL EMPLOYERS
13 NCAC 07B .0315 DESCRIPTION OF STATISTICAL PROGRAM
13 NCAC 07B .0316 DUTIES OF EMPLOYERS

History Note: *Authority G.S. 95-143; 95-144; 95-145; 95-148;*
Eff. February 1, 1976;
Amended Eff. Amended Eff. August 18, 1977; September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988; February 1, 1984; July 25, 1978; February 21, 1978;
Repealed Eff. August 2, 1993.

13 NCAC 07B .0317 STANDARD INDUSTRIAL CLASSIFICATION CODES

History Note: *Authority G.S. 95-131(a); 95-143;*
Eff. February 1, 1984;
Repealed Eff. August 2, 1993.

SECTION .0400 - RULES OF PRACTICE FOR VARIANCES: LIMITATIONS: VARIATIONS: TOLERANCES AND EXEMPTIONS

Editor's Note: 13 NCAC 7B .0401 - .0418 was recodified to 13 NCAC 7A .0701 - .0718 Eff. August 2, 1993.

SECTION .0500 - RULES OF PROCEDURE FOR PROMULGATING: MODIFYING: OR REVOKING OCCUPATIONAL SAFETY OR HEALTH STANDARDS

13 NCAC 07B .0501 PURPOSE AND SCOPE
13 NCAC 07B .0502 PROMULGATION: MODIFICATION: OR REVOCATION OF A STANDARD
13 NCAC 07B .0503 ADDITIONAL OR ALTERNATIVE PROCEDURAL REQUIREMENTS
13 NCAC 07B .0504 STANDARDS COMMENCEMENT OF RULEMAKING
13 NCAC 07B .0505 EMERGENCY STANDARDS
13 NCAC 07B .0506 HEARINGS
13 NCAC 07B .0507 POWERS OF PRESIDING OFFICER
13 NCAC 07B .0508 CERTIFICATION OF THE RECORD OF A HEARING
13 NCAC 07B .0509 DECISION

History Note: *Authority G.S. 95-131;*
Eff. February 1, 1976;
Amended Eff. September 20, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988; January 26, 1978;
Repealed Eff. August 2, 1993.

SECTION .0600 - NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD RULES OF PROCEDURE

13 NCAC 07B .0601 GENERAL PROVISIONS

13 NCAC 07B .0602 PARTIES AND REPRESENTATIVES
13 NCAC 07B .0603 PLEADINGS AND MOTIONS
13 NCAC 07B .0604 PRE-HEARING PROCEDURES AND DISCOVERY
13 NCAC 07B .0605 HEARINGS
13 NCAC 07B .0606 POST HEARING PROCEDURES
13 NCAC 07B .0607 MISCELLANEOUS PROVISIONS

History Note: *Authority G.S. 95-135;*
Eff. February 1, 1976;
Repealed Eff. September 20, 1976.

SECTION .0700 - STATE ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Editors's Note: 13 NCAC 7B .0701 - .0713 was recodified to 13 NCAC 7A .0501 - .0513 Eff. August 2, 1993.

SECTION .0800 - CONSULTATIVE SERVICES

13 NCAC 07B .0801 PURPOSE AND SCOPE
13 NCAC 07B .0802 PROCEDURE
13 NCAC 07B .0803 DIRECTOR'S DUTIES AND RESPONSIBILITIES
13 NCAC 07B .0804 IMMINENT DANGER AND SERIOUS CONDITIONS

History Note: *Authority G.S. 95-133;*
Eff. February 1, 1976;
Amended Eff. November 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0900 - PUBLIC AGENCY OSHA PROGRAMS

13 NCAC 07B .0901 PURPOSE
13 NCAC 07B .0902 SCOPE
13 NCAC 07B .0903 POLICY
13 NCAC 07B .0904 AGENCY RESPONSIBILITIES
13 NCAC 07B .0905 ADDITIONAL INVOLVEMENT OF THE OSHA DIVISION

History Note: *Authority G.S. 95-148;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 1, 1988;
Repealed Eff. August 2, 1993.

SECTION .1000 - DISCLOSURE AND PUBLICITY

13 NCAC 07B .1001 DISCLOSURE

History Note: *Authority G.S; 95-129; 95-136(g);*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Recodified to 13 NCAC 7A .0303 Eff. August 2, 1993.

13 NCAC 07B .1002 PUBLICITY ON ENFORCEMENT ACTIVITIES

History Note: *Authority G.S. 95-129; 95-136(g);*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07B .1003 RULES CONCERNING OSHA ACCESS TO EMPLOYEE MEDICAL RECORDS

History Note: *Authority G.S. 95-129; 95-136(g);*
Eff. October 13, 1980;
Amended Eff. July 1, 1988;
Repealed Eff. August 2, 1993.

SECTION .1100 - STANDARDS AND INSPECTIONS FORMS

13 NCAC 07B .1101 PURPOSE
13 NCAC 07B .1102 SAFETY AND HEALTH REPORT
13 NCAC 07B .1103 WORKSHEET
13 NCAC 07B .1104 NARRATIVE
13 NCAC 07B .1105 CITATION AND RELATED FORMS
13 NCAC 07B .1106 PENALTY FORMS
13 NCAC 07B .1107 ACCIDENT INVESTIGATION REPORT
13 NCAC 07B .1108 WITNESS STATEMENT
13 NCAC 07B .1109 COMPLAINT
13 NCAC 07B .1110 IMMINENT DANGER
13 NCAC 07B .1111 HAZARDS NOT COVERED BY A STANDARD

History Note: *Authority G.S. 95-136;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 13, 1980;
Repealed Eff. August 2, 1993.

13 NCAC 07B .1112 PENALTY ASSESSMENT WORKSHEETS

History Note: *Authority G.S. 95-136;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. October 13, 1980.

13 NCAC 07B .1113 POINT-OF-OPERATION INJURY REPORT

History Note: *Authority G.S. 95-136;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07B .1114 SERIOUS VIOLATION EVALUATION

History Note: *Authority G.S. 95-136;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. October 13, 1980.

13 NCAC 07B .1115 PHOTO RECORD
13 NCAC 07B .1116 INDUSTRIAL HYGIENE REFERRAL
13 NCAC 07B .1117 HEARING CONSERVATION PROGRAM ANALYSIS
13 NCAC 07B .1118 SKETCHES AND DIAGRAMS
13 NCAC 07B .1119 NOISE SURVEY DATA SHEET
13 NCAC 07B .1120 CALIBRATION LOG

History Note: *Authority G.S. 95-136;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 13, 1980;
Repealed Eff. August 2, 1993.

SECTION .1200 - CONSULTATIVE SERVICE FORMS

13 NCAC 07B .1201 PURPOSE
13 NCAC 07B .1202 SAFETY AND HEALTH REPORT FORM
13 NCAC 07B .1203 SURVEY REPORT
13 NCAC 07B .1204 NOTICE OF VIOLATION
13 NCAC 07B .1205 NOTIFICATION OF ABATEMENT OF CITATION ITEMS
13 NCAC 07B .1206 NOTIFICATION OF FAILURE TO CORRECT A VIOLATION

History Note: *Authority G.S. 95-126;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 13, 1980; June 27, 1980;
Repealed Eff. August 2, 1993.

13 NCAC 07B .1207 NOTIFICATION OF ABATEMENT OF SERIOUS SURVEY HAZARDS
13 NCAC 07B .1208 NOTIFICATION OF FAILURE TO CORRECT HAZARD

History Note: *Authority G.S. 95-126;*
Eff. June 27, 1980;
Repealed Eff. August 2, 1993.

SUBCHAPTER 7C - SAFETY AND HEALTH

SECTION .0100 - GENERAL INDUSTRY: CONSTRUCTION AND AGRICULTURE

13 NCAC 07C .0101 GENERAL INDUSTRY
13 NCAC 07C .0102 CONSTRUCTION

History Note: *Authority G.S. 95-131;*
Eff. February 1, 1976;
Amended Eff. August 26, 1992; September 19, 1977; July 29, 1977; June 6, 1977;
Readopted Eff. September 30, 1977;
Amended Eff. July 14, 1993; June 1, 1993; February 8, 1993; February 5, 1993;
Repealed Eff. August 2, 1993.

13 NCAC 07C .0103 AGRICULTURE

History Note: *Authority G.S. 95-131;*
Eff. March 24, 1976;
Amended Eff. November 1, 1976; July 15, 1976;

Readopted Eff. September 30, 1977;
Amended Eff. July 30, 1987; July 13, 1981; December 14, 1978; August 28, 1978;
Readopted Subparagraph (a)(12) Eff. February 1, 1989;
Amended Eff. March 17, 1989; February 1, 1989;
Repealed Eff. August 2, 1993.

13 NCAC 07C .0104 FIELD SANITATION STANDARD

History Note: *Authority G.S. 95-131;*
Eff. July 30, 1987;
Repealed Eff. August 2, 1993.

13 NCAC 07C .0105 BOILERS AND PRESSURE VESSELS
13 NCAC 07C .0106 ELEVATORS AND RELATED EQUIPMENT

History Note: *Authority G.S. 95-131;*
Eff. July 1, 1989;
Repealed Eff. June 1, 1993.

13 NCAC 07C .0107 LIFE SAFETY CODE

History Note: *Authority G.S. 95-131;*
Eff. April 1, 1992;
Recodified to 13 NCAC 7F .0102 Eff. August 2, 1993.

13 NCAC 07C .0108 BUILDING CODE
13 NCAC 07C .0109 FIRE PREVENTION CODE

History Note: *Authority G.S. 95-126; 95-131; 95-136;*
RRC Objection on September 17, 1992 Due to Lack of Statutory Authority;
Eff. October 22, 1992;
Repealed Eff. June 1, 1993.

SECTION .0200 - SHOPS FABRICATING STRUCTURAL STEEL AND STEEL PLATE

Editor's Note: 13 NCAC 7C .0201 - .0226 was recodified to 13 NCAC 7F .0401 - .0426 Eff. August 2, 1993.

SECTION .0300 - FIELD SANITATION

13 NCAC 07C .0301 GENERAL REQUIREMENTS

History Note: *Filed as a Temporary Rule Eff. May 19, 1982, for a Period of 120 Days to Expire on September 16, 1982;*
Statutory Authority G.S. 95-131;
Expired Eff. September 16, 1982.

13 NCAC 07C .0302 DEFINITIONS APPLICABLE TO THIS STANDARD

History Note: *Filed as a Temporary Rule Eff. May 19, 1982, for a Period of 120 Days to Expire on September 16, 1982;*
Statutory Authority G.S. 95-131;
Expired Eff. September 16, 1982.

13 NCAC 07C .0303 DRINKING WATER

History Note: *Filed as a Temporary Rule Eff. May 19, 1982, for a Period of 120 Days to Expire on September 16, 1982;*
Statutory Authority G.S. 95-131;
Expired Eff. September 16, 1982.

13 NCAC 07C .0304 APPLICABILITY
13 NCAC 07C .0305 DEFINITIONS
13 NCAC 07C .0306 DRINKING WATER
13 NCAC 07C .0307 HANDWASHING
13 NCAC 07C .0308 WASTE WATER
13 NCAC 07C .0309 VARIANCES

History Note: *Authority G.S. 95-131;*
Eff. July 1, 1983;
Repealed Eff. August 2, 1993.

SUBCHAPTER 7D - STANDARDS INTERPRETATION

SECTION .0100 - WALKING: WORKING SURFACES

13 NCAC 07D .0101 SCOPE
13 NCAC 07D .0102 APPLICATION AND DISTRIBUTION
13 NCAC 07D .0103 AISLES AND PASSAGEWAYS
13 NCAC 07D .0104 GUARDRAILS AT PETROLEUM LOADING RACKS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0200 - MEANS OF EGRESS

13 NCAC 07D .0201 SCOPE
13 NCAC 07D .0202 APPLICATION AND DISTRIBUTION
13 NCAC 07D .0203 EXIT SIGNS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0300 - POWERED PLATFORMS: MANLIFTS AND VEHICLE-POWERED WORK PLATFORMS

13 NCAC 07D .0301 SCOPE
13 NCAC 07D .0302 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0400 - OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROL

13 NCAC 07D .0401 SCOPE
13 NCAC 07D .0402 APPLICATION AND DISTRIBUTION
13 NCAC 07D .0403 OCCUPATIONAL NOISE EXPOSURE
13 NCAC 07D .0404 PERSONAL PROTECTION FOR CYANIDE OPERATIONS
13 NCAC 07D .0405 MEDICAL EXAMINATIONS AND ASBESTOS EXPOSURE

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. December 12, 1978; October 26, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0406 LABORATORY PROVISIONS FOR CARCINOGENS

History Note: *Authority G.S. 95-136(g);*
Eff. December 12, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0407 COTTON DUST

History Note: *Authority G.S. 95-136(g);*
Eff. September 22, 1978;
Amended Eff. February 6, 1979; October 13, 1978;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0408 LEAD

History Note: *Authority G.S. 95-131;*
Eff. March 20, 1979;
Amended Eff. August 1, 1988;
Repealed Eff. August 2, 1993.

SECTION .0500 - HAZARDOUS MATERIALS

13 NCAC 07D .0501 SCOPE
13 NCAC 07D .0502 APPLICATION AND DISTRIBUTION
13 NCAC 07D .0503 SIZES FOR FLAMMABLE AND COMBUSTIBLE LIQUID CONTAINERS
13 NCAC 07D .0504 CLASS I: DIVISION 2 HAZARDOUS LOCATIONS FOR SPRAY PAINTING
13 NCAC 07D .0505 SINKS USED FOR CLEANING OPERATIONS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0506 TRANSPORTATION OF EXPLOSIVES: PERSONNEL AND BLASTING CAPS

History Note: *Authority G.S. 95-136(g);*
Eff. November 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0600 - PERSONAL PROTECTIVE EQUIPMENT

13 NCAC 07D .0601 SCOPE
13 NCAC 07D .0602 APPLICATION AND DISTRIBUTION
13 NCAC 07D .0603 EYE PROTECTION FOR STAPLE GUNS
13 NCAC 07D .0604 RESPIRATORS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0605 EYE AND FACE PROTECTION

History Note: *Authority G.S. 95-136(g);*
Eff. November 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. April 11, 1979;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0606 FALL PROTECTION

History Note: *Authority G.S. 95-136(g);*
Eff. May 4, 1977;
Repealed Eff. August 2, 1993.

SECTION .0700 - GENERAL ENVIRONMENTAL CONTROLS

13 NCAC 07D .0701 SCOPE
13 NCAC 07D .0702 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0703 TOILET FACILITIES IN LABOR CAMPS

History Note: *Authority G.S. 95-136(g);*
Eff. December 17, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .0704 CONSUMPTION OF FOOD AND BEVERAGES IN HAZARDOUS AREAS

History Note: *Authority G.S. 95-131;*
Eff. March 27, 1979;
Repealed Eff. August 2, 1993.

SECTION .0800 - MEDICAL AND FIRST AID

13 NCAC 07D .0801 SCOPE
13 NCAC 07D .0802 APPLICATION AND DISTRIBUTION
13 NCAC 07D .0803 FIRST AID

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;

Repealed Eff. August 2, 1993.

SECTION .0900 - FIRE PROTECTION

13 NCAC 07D .0901 SCOPE
13 NCAC 07D .0902 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1000 - COMPRESSED GAS AND COMPRESSED AIR EQUIPMENT

13 NCAC 07D .1001 SCOPE
13 NCAC 07D .1002 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1100 - MATERIALS HANDLING AND STORAGE

13 NCAC 07D .1101 SCOPE
13 NCAC 07D .1102 APPLICATION AND DISTRIBUTION
13 NCAC 07D .1103 ELEVATABLE CONTROLS FOR INDUSTRIAL TRUCKS
13 NCAC 07D .1104 CHOCKS AND BLOCKS FOR POWERED INDUSTRIAL TRUCKS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. May 5, 1981;
Repealed Eff. August 2, 1993.

13 NCAC 07D .1105 CONVERSION: MODIFICATION: ADDITION TO INDUSTRIAL TRUCKS

History Note: *Authority G.S. 95-136(g);*
Eff. April 11, 1979;
Repealed Eff. August 2, 1993.

SECTION .1200 - MACHINERY AND MACHINE GUARDING

13 NCAC 07D .1201 SCOPE
13 NCAC 07D .1202 APPLICATION AND DISTRIBUTION
13 NCAC 07D .1203 MECHANICAL POWER PRESSES
13 NCAC 07D .1204 PRESS BRAKES
13 NCAC 07D .1205 ACCEPTABLE GUARDING FOR CIRCULAR MEAT CUTTING SAWS
13 NCAC 07D .1206 GUARDING OF CENTRIFUGES

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Amended Eff. November 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988;
Repealed Eff. August 2, 1993.

SECTION .1300 - HAND AND PORTABLE POWERED TOOLS AND OTHER HAND HELD EQUIPMENT

13 NCAC 07D .1301 SCOPE
13 NCAC 07D .1302 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1400 - WELDING: CUTTING AND SPRAYING

13 NCAC 07D .1401 SCOPE
13 NCAC 07D .1402 APPLICATION AND DISTRIBUTION
13 NCAC 07D .1403 WORK IN CONFINED SPACES FOR WELDING

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 3, 1993.

SECTION .1500 - SPECIAL INDUSTRIES

13 NCAC 07D .1501 SCOPE
13 NCAC 07D .1502 APPLICATION AND DISTRIBUTION
13 NCAC 07D .1503 TEXTILE GEAR HOUSING COVERS
13 NCAC 07D .1504 LAUNDRY POINT OF OPERATION GUARDS
13 NCAC 07D .1505 DRYING TUMBLERS-SHAKERS-WASHING MACHINE INTERLOCK DEVICES
13 NCAC 07D .1506 CONSTRUCTION WORK AS RELATED TO TELECOMMUNICATION WORK
13 NCAC 07D .1507 GUARDING OF CARDING MACHINES USED IN THE TEXTILE INDUSTRY
13 NCAC 07D .1508 MECHANICAL POWER TRANSMISSION APPARATUS ON TEXTILE LOOMS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Amended Eff. August 24, 1977;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .1509 STANDBY PERSONNEL AT TELECOMMUNICATIONS MANHOLE

History Note: *Authority G.S. 95-133(b)(1); 95-133(b)(2); 95-133(b)(3); 95-136(g);*
Eff. February 1, 1983;
Repealed Eff. August 2, 1993.

SECTION .1600 - ELECTRICAL

13 NCAC 07D .1601 SCOPE
13 NCAC 07D .1602 APPLICATION AND DISTRIBUTION
13 NCAC 07D .1603 COMMERCIAL GARAGES: REPAIR AND STORAGE

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. March 1, 1982;
Repealed Eff. August 2, 1993.

13 NCAC 07D .1604 GROUNDING OF CORD-AND-PLUG CONNECTED ELECTRICAL EQUIPMENT

History Note: *Authority G.S. 95-136(g);*
Eff. November 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1700 - DIVING OPERATIONS

13 NCAC 07D .1701 SCOPE
13 NCAC 07D .1702 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1800 - NONFEDERAL STANDARDS AND STANDARDS TERMINOLOGY

13 NCAC 07D .1801 SCOPE
13 NCAC 07D .1802 APPLICATION AND DISTRIBUTION
13 NCAC 07D .1803 GENERAL DEFINITION OF CONFINED SPACE

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .1804 MOTOR-VEHICLE FATALITIES AND OSHA INJURY-ILLNESS RECORDS

History Note: *Authority G.S. 95-131;*
Eff. March 7, 1977;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .1805 EMERGENCY EYE WASH AND SHOWER REQUIREMENTS

History Note: *Authority G.S. 95-136(g);*
Eff. September 12, 1977;
Amended Eff. January 1, 1983;
Repealed Eff. August 2, 1993.

SECTION .1900 - INSPECTION AND ENFORCEMENT AUTHORITY

13 NCAC 07D .1901 SCOPE
13 NCAC 07D .1902 APPLICATION AND DISTRIBUTION
13 NCAC 07D .1903 OSHA/MESA JURISDICTION

History Note: *Authority G.S. 95-136(g);*

Eff. January 5, 1977;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .1904 STANDARDS: OPERATIONAL PROCEDURE: REQUIREMENTS OF OSHANC

History Note: *Authority G.S. 95-136(g);*
Eff. September 6, 1977;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1988;
Repealed Eff. August 2, 1993.

SECTION .2000 - TOXIC AND HAZARDOUS SUBSTANCES

13 NCAC 07D .2001 SCOPE
13 NCAC 07D .2002 APPLICATION AND DISTRIBUTION
13 NCAC 07D .2003 EXPOSURE TO BENZENE: EMERGENCY TEMPORARY STANDARDS

History Note: *Authority G.S. 95-136(g);*
Eff. July 13, 1977;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07D .2004 TABLE Z-1: CHLORINE

History Note: *Authority G.S. 95-136(g);*
Eff. September 10, 1979;
Repealed Eff. August 2, 1993.

SUBCHAPTER 7E - CONSTRUCTION: STANDARDS INTERPRETATIONS

SECTION .0100 - GENERAL SAFETY AND HEALTH PROVISIONS

13 NCAC 07E .0101 SCOPE
13 NCAC 07E .0102 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0200 - OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS

13 NCAC 07E .0201 SCOPE
13 NCAC 07E .0202 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0300 - PERSONAL PROTECTION AND LIFESAVING EQUIPMENT

13 NCAC 07E .0301 SCOPE

13 NCAC 07E .0302 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07E .0303 EYE AND FACE PROTECTION: CHEMICAL EXPOSURES: CONSTRUCTION

History Note: *Authority G.S. 95-136(g);*
Eff. November 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0400 - FIRE PROTECTION AND PREVENTION

13 NCAC 07E .0401 SCOPE
13 NCAC 07E .0402 APPLICATION AND DISTRIBUTION
13 NCAC 07E .0403 FIRE EXTINGUISHERS FOR CONSTRUCTION SITES

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0500 - SIGNS: SIGNALS AND BARRICADES

13 NCAC 07E .0501 SCOPE
13 NCAC 07E .0502 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0600 - MATERIALS HANDLING: STORAGE: USE AND DISPOSAL

13 NCAC 07E .0601 SCOPE
13 NCAC 07E .0602 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0700 - TOOLS: HAND AND POWER

13 NCAC 07E .0701 SCOPE
13 NCAC 07E .0702 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0800 - WELDING AND CUTTING

13 NCAC 07E .0801 SCOPE
13 NCAC 07E .0802 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .0900 - ELECTRICAL

13 NCAC 07E .0901 SCOPE
13 NCAC 07E .0902 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07E .0903 GROUND-FAULT PROTECTION IN CONSTRUCTION OPERATIONS

History Note: *Authority G.S. 95-131;*
Eff. March 7, 1979;
Repealed Eff. August 2, 1993.

SECTION .1000 - LADDERS AND SCAFFOLDING

13 NCAC 07E .1001 SCOPE
13 NCAC 07E .1002 APPLICATION AND DISTRIBUTION
13 NCAC 07E .1003 CATCH PLATFORMS
13 NCAC 07E .1004 SCAFFOLDING: GENERAL

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1100 - FLOORS AND WALL OPENINGS: AND STAIRWAYS

13 NCAC 07E .1101 SCOPE
13 NCAC 07E .1102 APPLICATION AND DISTRIBUTION
13 NCAC 07E .1103 GUARDING OF OPEN-SIDED FLAT ROOFS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1200 - CRANES: DERRICKS: HOISTS: ELEVATORS: AND CONVEYORS

13 NCAC 07E .1201 SCOPE
13 NCAC 07E .1202 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;

Repealed Eff. August 2, 1993.

13 NCAC 07E .1203 UPPER AND LOWER CONTROLS ON ELEVATING WORK PLATFORMS

History Note: *Authority G.S. 95-136(g);*
Eff. July 25, 1977;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1300 - MOTOR VEHICLES: MECHANIZED EQUIPMENT AND MARINE OPERATIONS

13 NCAC 07E .1301 SCOPE
13 NCAC 07E .1302 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1400 - EXCAVATIONS: TRENCHING AND SHORING

13 NCAC 07E .1401 SCOPE
13 NCAC 07E .1402 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1500 - CONCRETE: CONCRETE FORMS AND SHORING

13 NCAC 07E .1501 SCOPE
13 NCAC 07E .1502 APPLICATION AND DISTRIBUTION
13 NCAC 07E .1503 MASONRY WALLS

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1600 - STEEL ERECTION

13 NCAC 07E .1601 SCOPE
13 NCAC 07E .1602 APPLICATION AND DISTRIBUTION
13 NCAC 07E .1603 FALL PROTECTION IN STRUCTURAL STEEL ERECTION
13 NCAC 07E .1604 STEEL ERECTION: DEFINITION TERM

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Amended Eff. March 21, 1977;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1700 - TUNNELS: SHAFTS: CAISSONS: COFFERDAMS: AND COMPRESSED AIR

13 NCAC 07E .1701 SCOPE
13 NCAC 07E .1702 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1800 - DEMOLITION

13 NCAC 07E .1801 SCOPE
13 NCAC 07E .1802 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .1900 - BLOCKING AND USE OF EXPLOSIVES

13 NCAC 07E .1901 SCOPE
13 NCAC 07E .1902 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

13 NCAC 07E .1903 TRANSPORTATION OF EXPLOSIVES: PERSONNEL AND BLASTING CAPS

History Note: *Authority G.S. 95-136(g);*
Eff. November 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .2000 - POWER TRANSMISSION AND DISTRIBUTION

13 NCAC 07E .2001 SCOPE
13 NCAC 07E .2002 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SECTION .2100 - ROLLOVER PROTECTIVE STRUCTURES: OVERHEAD PROTECTION

13 NCAC 07E .2101 SCOPE
13 NCAC 07E .2102 APPLICATION AND DISTRIBUTION

History Note: *Authority G.S. 95-136(g);*
Eff. July 15, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 2, 1993.

SUBCHAPTER 07F - STANDARDS

SECTION .0100 - GENERAL INDUSTRY STANDARDS

13 NCAC 07F .0101 GENERAL INDUSTRY

The provisions for the Occupational Safety and Health Standards for General Industry, Title 29 of the Code of Federal Regulations Part 1910 published in the Federal Register on or before February 13, 2026; and exclusive of subsequent amendments, are incorporated by reference except as modified or amended in 13 NCAC 07F .0103.

History Note: *Authority G.S. 95-131; 95-133; 150B-21.6;*
Eff. August 2, 1993;
Temporary Amendment Eff. August 16, 1993, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Amended Eff. April 1, 1996; January 1, 1996; September 6, 1995; April 1, 1995;
Temporary Amendment Eff. April 1, 1996;
Amended Eff. September 1, 1996; June 3, 1996;
Temporary Amendment Expired January 26, 1997;
Amended Eff. August 13, 2007; November 22, 2006; May 30, 2006; November 14, 2005; April 14, 2005; September 17, 2004; June 30, 2004; September 4, 2003; July 1, 2003; October 1, 2001; November 14, 2000; September 3, 1999; February 22, 1999; October 8, 1998; July 1, 1998; April 8, 1998; October 15, 1997; March 7, 1997; February 28, 1997; February 11, 1997;
Recodified Items (1) - (4) to Rules .0103 - .0106 Eff. December 17, 2007;
Amended Eff. October 8, 2014; November 18, 2013; June 18, 2013; February 5, 2013; June 11, 2012; October 31, 2011; July 1, 2010; November 12, 2009; October 15, 2009; April 23, 2009; April 17, 2008; February 13, 2008;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. January 8, 2021; September 23, 2020; April 10, 2020; February 14, 2020; October 7, 2019; June 3, 2019; December 12, 2018; November 7, 2018; July 1, 2017; May 1, 2017; September 2, 2016; April 22, 2016;
Amended Eff. July 21, 2021 as an emergency temporary standard;
Amended Eff. March 4, 2022 (expiration of emergency temporary standard);
Amended Eff. June 1, 2026; January 1, 2025; September 1, 2022.

13 NCAC 07F .0102 LIFE SAFETY CODE

History Note: *Authority G.S. 95-131;*
Eff. April 1, 1992;
Recodified from 13 NCAC 07C .0107 Eff. August 2, 1993;
Amended Eff. July 1, 1998;
Repealed Eff. December 1, 2005.

13 NCAC 07F .0103 HAZARDOUS MATERIALS

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

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

(a) Know how to select and use proper specialized personal protective equipment provided to the first responder at operations plus level;

(b) Understand basic hazardous materials terms as they pertain to hydrocarbon fuels;
(c) Understand hazard and risk assessment techniques that pertain to gasoline, diesel fuel, propane and other hydrocarbon fuels;
(d) Be able to perform control, containment, or confinement operations for gasoline, diesel fuel, propane and other hydrocarbon fuels within the capabilities of the available resources and personal protective equipment; and
(e) Understand and know how to implement decontamination procedures for hydrocarbon fuels."

History Note: *Authority G.S. 95-131; 95-133; 150B-21.6;*
Recodified From 13 NCAC 07F .0101(1) Eff. December 17, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0104 PERSONAL PROTECTIVE EQUIPMENT

History Note: *Authority G.S. 95-131; 95-133; 150B-21.6;*
Recodified from 13 NCAC 07F .0101(2) Eff. December 17, 2007;
Repealed Eff. May 15, 2008.

13 NCAC 07F .0105 SPECIAL INDUSTRIES

History Note: *Authority G.S. 95-131; 95-133; 150B-21.6;*
Recodified from 13 NCAC 07F .0101(3) Eff. December 17, 2007;
Expired Eff. April 1, 2016 pursuant to G.S. 150B-21.3A.

13 NCAC 07F .0106 TOXIC AND HAZARDOUS SUBSTANCES

History Note: *Authority G.S. 95-131; 95-133; 150B-21.6;*
Recodified from 13 NCAC 07F .0101(4) Eff. December 17, 2007;
Repealed Eff. May 1, 2009.

SECTION .0200 - CONSTRUCTION STANDARDS

13 NCAC 07F .0201 CONSTRUCTION

The provisions for the Occupational Safety and Health Standards for Construction, Title 29 of the Code of Federal Regulations Part 1926 promulgated as of January 1, 2025, and exclusive of subsequent amendments, are incorporated by reference except as modified or amended in 13 NCAC 07F .0202 through .0207.

History Note: *Authority G.S. 95-131;*
Eff. August 2, 1993;
Amended Eff. April 14, 2005; March 14, 2005; September 17, 2004; July 1, 2003; December 11, 2002; August 1, 2002; January 18, 2002; September 1, 2000; February 22, 1999; October 8, 1998: July 1, 1998; April 8, 1998; March 7, 1997; February 11, 1997; September 1, 1996; February 1, 1996; January 1, 1996; October 1, 1995; September 6, 1995;
Item (5): Subpart U-Blasting and Use of Explosives, was recodified to Rules - .0701-.0716 Eff. August 3, 2005;
Amended Eff. November 22, 2006; August 24, 2006; May 30, 2006;
Recodified Items (1) - (6) to Rules .0202 - .0207 Eff. December 17, 2007;
Amended Eff. October 2, 2015; November 20, 2014; October 8, 2014; November 18, 2013; November 8, 2013; June 18, 2013; February 5, 2013; June 11, 2012; October 31, 2011; November 8, 2010; August 19, 2010; July 1, 2010; April 23, 2009; February 13, 2008;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;

Amended Eff. December 1, 2025, October 1, 2025; September 1, 2022; March 8, 2021; February 1, 2021; September 23, 2020; February 14, 2020; October 7, 2019; May 3, 2019; May 1, 2018; July 1, 2017; September 2, 2016.

13 NCAC 07F .0202 GENERAL SAFETY AND HEALTH PROVISIONS

Subpart C -- General Safety and Health Provisions -- Personal protective equipment, 1926.28(a) is amended to read as follows: "(a) The employer is responsible for requiring the wearing of appropriate personal protective equipment (as described in 1926.28) in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to the employees."

History Note: *Authority G.S. 95-131; 150B-21.6;*
Recodified from 13 NCAC 07F .0201(1) Eff. December 17, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0203 OCCUPATIONAL HEALTH AND ENVIRONMENTAL CONTROLS

Subpart D -- Occupational Health and Environmental Controls:

Addition to 29 CFR 1926.54, Nonionizing radiation, after subpart (a) to read:

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

History Note: *Authority G.S. 95-131; 150B-21.6;*
Recodified from 13 NCAC 07F .0201(2) Eff. December 17, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0204 PERSONAL PROTECTIVE AND LIFE SAVING EQUIPMENT

Subpart E --Personal Protective and Life Saving Equipment -- addition of (g) to 1926.104 Safety belts, lifelines, and lanyards, as follows:

"(g) Snaphooks shall be a locking type designed and used to prevent disengagement of the snaphook keeper by the connected member. Locking type snaphooks have self-closing, self-locking keepers which remain closed and locked until unlocked and pressed open for connection or disconnection."

History Note: *Authority G.S. 95-131; 150B-21.6;*
Recodified From 13 NCAC 07F .0201(3) Eff. December 17, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0205 STEEL ERECTION

Subpart R—Steel Erection – additions and amendments to 29 CFR 1926.750 Scope, through 1926.754 Structural steel assembly, are applicable as follows:

"Section 1926.750 Scope:

(b)(1) Steel erection activities include hoisting, laying out, placing, connecting, welding, burning, guying, bracing, bolting, plumbing and rigging structural steel, steel joists, bridge steel girders and metal buildings; installing metal decking and moving point-to-point while performing these activities.

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

edge work activities include off loading, stacking, laying out and fastening steel floor decking and metal and non-metal roof decking; positioning and securing exterior curtain walls, window walls, exterior siding systems; and moving from point to point while performing these activities.

1926.754(c)(1)Tripping hazards.

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

(1) Not welding or applying shear connectors that project vertically or horizontally across the top flange of a member until the metal decking or other walking/working surface is installed (field-installed shear connectors).

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

(3) Covering shop or pre-installed connectors that project vertically from or horizontally across the top flange of the member with a temporary decking, metal or wood box until the metal decking, or other walking/working surface, is installed or until final construction covers the shear connectors.

History Note: *Authority G.S. 95-131; 150B-21.6;*
Recodified from 13 NCAC 07F .0201(4) Eff. December 17, 2007;
Amended Eff. June 1, 2010;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0206 POWER TRANSMISSION AND DISTRIBUTION

History Note: *Authority G.S. 95-131; 150B-21.6;*
Recodified from 13 NCAC 07F .0201(5) Eff. December 17, 2007;
Repealed Eff. March 1, 2015.

13 NCAC 07F .0207 TOXIC AND HAZARDOUS SUBSTANCES

Subpart Z -- Toxic and Hazardous Substances -- incorporation of the existing standard for Bloodborne Pathogens, 29 CFR 1910.1030, excluding subparagraph (e) HIV and HBV Research Laboratories and Production Facilities, into the Safety & Health Regulations for Construction at 29 CFR 1926.1130. Final rule as published in 56 FR (December 6, 1991) pages 64175 - 64182, including Appendix A -- Hepatitis B Vaccine Declination (Mandatory) -- with corrections as published in 57 FR (July 1, 1992) page 29206, and with the following revision to the definition of Occupational Exposure under subsection (b) Definitions:

"Occupational Exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of collateral first aid duties by an employee in the areas of construction, alteration, or repair, including painting and decorating."

History Note: *Authority G.S. 95-131; 150B-21.6;*
Recodified from 13 NCAC 07F .0201(6) Eff. December 17, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SECTION .0300 - AGRICULTURE STANDARDS

13 NCAC 07F .0301 AGRICULTURE

The provisions for the Occupational Safety and Health Standards for Agriculture, Title 29 of the Code of Federal Regulations Part 1928, promulgated as of June 8, 2011, and exclusive of subsequent amendments, are incorporated by reference as modified or amended in 13 NCAC 07F .0302.

History Note: *Authority G.S. 95-131; 150B-21.6;*
Eff. August 2, 1993;

Amended Eff. August 24, 2006; May 30, 2006; July 1, 2003; July 1, 1998; September 1, 1996; April 1, 1995; November 1, 1994; August 1, 1994; September 24, 1993;
Item Recodified to 13 NCAC 07F .0302 Eff. December 17, 2007;
Amended Eff. October 31, 2011;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0302 GENERAL ENVIRONMENTAL CONTROLS

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

History Note: *Authority G.S. 95-131; 150B-21.6;*
Recodified from 13 NCAC 07F .0301 Eff. December 17, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SECTION .0400 - SHOPS FABRICATING STRUCTURALSTEEL AND STEEL PLATE

Editor's Note: 13 NCAC 7F .0401 - .0426 recodified from 13 NCAC 7C .0201 - .0226 Eff. August 2, 1993.

13 NCAC 07F .0401 GENERAL REQUIREMENTS
13 NCAC 07F .0402 DEFINITIONS APPLICABLE TO THIS STANDARD
13 NCAC 07F .0403 COLOR CODING AND WARNING SIGNS FOR PHYSICAL HAZARDS
13 NCAC 07F .0404 PERSONAL PROTECTIVE EQUIPMENT
13 NCAC 07F .0405 LIGHTING
13 NCAC 07F .0406 VENTILATION
13 NCAC 07F .0407 CLEANERS AND SOLVENTS
13 NCAC 07F .0408 IONIZING RADIATION
13 NCAC 07F .0409 GENERAL REQUIREMENTS FOR ALL MACHINES AND EQUIPMENT
13 NCAC 07F .0410 CRANES: DERRICKS: AND HOISTS
13 NCAC 07F .0411 MATERIAL HANDLING DEVICES
13 NCAC 07F .0412 SLINGS AND ALLOY-STEEL CHAINS
13 NCAC 07F .0413 MOBILE EQUIPMENT
13 NCAC 07F .0414 JACKS: LEVER: RATCHET: SCREW: AND HYDRAULIC
13 NCAC 07F .0415 PORTABLE POWER AND HAND TOOLS
13 NCAC 07F .0416 ELECTRICAL
13 NCAC 07F .0417 HANDLING AND STORING MATERIAL
13 NCAC 07F .0418 HANDLING MATERIAL FROM A RAILROAD CAR
13 NCAC 07F .0419 UNLOADING MATERIAL FROM A TRUCK
13 NCAC 07F .0420 REAMING AND DRILLING
13 NCAC 07F .0421 RIVETING
13 NCAC 07F .0422 BOLTING
13 NCAC 07F .0423 MANUAL ABRASIVE BLASTING
13 NCAC 07F .0424 PAINTING
13 NCAC 07F .0425 GALVANIZING AND PICKLING OPERATIONS
13 NCAC 07F .0426 SOURCE OF STANDARDS

History Note: *Authority G.S. 95-131;*
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. July 1, 1998; May 1, 1994;
Repealed Eff. December 1, 2010.

SECTION .0500 - MARITIME STANDARDS

13 NCAC 07F .0501 SHIPYARD EMPLOYMENT

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

History Note: *Authority G.S. 95-131; 150B-21.6;*
Eff. December 1, 1993;
Amended Eff. June 18, 2013; February 5, 2013; June 11, 2012; October 31, 2011; July 1, 2010; October 15, 2009; April 23, 2009; February 13, 2008; May 2, 2007; November 22, 2006; May 30, 2006; April 14, 2005; March 14, 2005; July 1, 2003; February 22, 1999; October 8, 1998; July 1, 1998; October 15, 1997; March 7, 1997; February 11, 1997; September 1, 1996; January 1, 1996; September 6, 1995; May 1, 1995; February 1, 1995;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. September 1, 2022; February 1, 2021; September 23, 2020; February 14, 2020; October 7, 2019; July 1, 2017; September 2, 2016.

13 NCAC 07F .0502 MARINE TERMINALS
(a) The provisions of the Occupational Safety and Health Regulations for Marine Terminals, Title 29 of the Code of Federal Regulations Part 1917, published in the Federal Register on or before April 28, 2026, and exclusive of subsequent amendments are incorporated by reference.
(b) The provisions of 29 CFR 1917 shall apply only to public sector employees of local governments or of the State of North Carolina.

History Note: *Authority G.S. 95-131; 150B-21.6;*
Eff. December 1, 1993;
Amended Eff. October 8, 2014; February 5, 2013; October 31, 2011; October 15, 2009; April 23, 2009; February 13, 2008; May 30, 2006; July 1, 2003; December 7, 2000; February 22, 1999; July 1, 1998; October 15, 1997; November 1, 1994; August 1, 1994;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016;
Amended Eff. July 1, 2026; September 2, 2016.

SECTION .0600 – COMMUNICATION TOWER STANDARDS

13 NCAC 07F .0601 SCOPE AND APPLICATION
(a) The rules in this Section contain requirements for policies, procedures, and safe work practices to protect employees throughout North Carolina from the hazards of working on communication towers during construction, alteration, repair, operation, inspection, and maintenance activities.
(b) A communication tower is defined as any tower over six feet in height that is used primarily as an antenna or to host one or more antennas. Where the communication tower is affixed to another structure, such as an electrical transmission tower, church steeple, building rooftop, or water tower, the applicable part of any controlling regulation for protection of employees (e.g., 29 CFR 1910.268, 29 CFR 1910.269 and 29 CFR 1926 Subpart V for transmission towers) shall apply up to the point of access to the communication tower. Thereafter, the provisions of this Section shall apply.
(c) The rules in this Section shall not apply to communication towers that are mounted on motor vehicles.

History Note: *Authority G.S. 95-131;*
Eff. February 1, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0602 DEFINITIONS
In addition to the definitions set forth in 29 CFR Part 1910 and 29 CFR Part 1926, the following definitions apply throughout the rules in this Section:

(1) Acceptable Conditions for Access mean the conditions that must exist before the employer grants permission for construction, alteration, repair or maintenance work to be performed on a communication tower. These conditions include the following:
   (a) Work under the control of a work safety program meeting the requirements of the Rules in this Section; and,
   (b) Work where an accumulation of snow, ice or other slippery material is not present, except as necessary for the inspection or removal of such material;
   (c) Notwithstanding the prohibitions outlined in Sub-item (1)(b) of this Rule, if tower emergency maintenance work must be performed where there is an accumulation of snow, ice or other slippery material, the employer shall implement safe work practices (equipment, practices and procedures) that address the hazards known to be associated with tower work to minimize the associated risk to employees while working on the tower structure and the support structure to which it is affixed, where applicable.

(2) Climbing Facility means a component specifically designed or provided to permit access to the tower structure, such as a fixed ladder, step bolt, or other structural member.

(3) Competent Person means a person who is trained to identify existing and predictable hazards in the surroundings or working conditions that are hazardous or dangerous to employees, and who has authorization from his employer to take prompt corrective measures to eliminate them, including halting the work as required by the rules in this Section.

(4) Elevated (High Angle) Rescue means the process by which methods and equipment are utilized in order to gain access to and egress from the location of an injured employee(s) on the tower structure, and lower both the injured employee(s) and the rescuer(s) to the ground safely.

(5) Fall Protection Equipment means the personal equipment that employees utilize in conjunction with 100% fall protection systems, including connectors, body belts or body harnesses, lanyards and deceleration devices.

(6) Ladder Safety System means an assembly of components whose function is to arrest the fall of a user, including the carrier and its associated attachment elements (e.g., brackets, fasteners), the safety sleeve, and the body support and connectors, wherein the carrier is permanently attached to the climbing face of the ladder or immediately adjacent to the structure.

(7) One-Hundred Percent (100%) Fall Protection means each employee exposed to fall hazards above six (6) feet while ascending, descending, or moving point to point, must be protected by fall protection, as described in 13 NCAC 07F .0605(c), at all times.

(8) Qualified Climber means a person who has, by virtue of knowledge, training, and experience, been deemed qualified in writing by his employer to perform tower work.

(9) Qualified Person means a person possessing a degree, certificate, professional standing, or knowledge, training, and experience in the field of communication tower work, and who has demonstrated to his employer his ability to resolve problems relating to the subject matter, the work, or the project.

(10) Safety Sleeve means the part of a ladder safety system consisting of the moving component with locking mechanism that travels on the carrier and makes the connection between the carrier and the body support.

(11) Site means the communication tower and the surrounding land or property where tower work is being performed.

(12) Step Bolt means a bolt or rung attached at intervals along a structural member and used for foot placement during climbing or standing.

(13) Tower Construction means the building of a new tower or structure, or the installation of new equipment on an existing tower or structure.

(14) Tower Emergency Maintenance Work means the repair, restoration or replacement of any pre-existing device installed on the tower in the interest of public safety, such as, aviation signaling devices and equipment used to transmit or receive broadcast signals.

(15) Tower Inspection means the procedure in which an employee(s) climb(s) or ride(s) the structure's elevator to visually inspect the tower for potential problems, and test for tower plumbness and guy cable tension.

(16) Tower Maintenance Work means the replacement in kind of any device on an existing tower, the repair of existing equipment, and painting.

History Note: *Authority G.S. 95-131;*
Eff. February 1, 2005;
Amended Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0603 EMPLOYER RESPONSIBILITIES

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

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

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

History Note: *Authority G.S. 95-131;*
Eff. February 1, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0604 HAZARD IDENTIFICATION AND ASSESSMENT

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

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

(1) Initially and daily for each site prior to permitting employees to climb the structure; and

(2) When safety and health information or change in workplace conditions indicates that a new or increased hazard may be present.

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

(1) Be performed by a competent person;

(2) Evaluate new equipment, materials, and processes for hazards before they are introduced into the workplace; and

(3) Identify meteorological conditions that could affect work at heights above six feet on a tower, such as wind, rain, snow or ice.

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

History Note: *Authority G.S. 95-131;*
Eff. February 1, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0605 FALL PROTECTION

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

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

(1) All climbing jobs shall be planned by a competent person;

(2) All climbing facilities shall be visually inspected daily at the tower base by a competent person for rust, corrosion, deterioration, or other hazards. Additionally, the employer shall ensure that the climbing facilities are visually inspected for these items, as it is ascended, to the elevation point where work is being performed. If any such hazard is identified during this inspection, employees shall not use the climbing facility until such hazards are abated;

(3) A competent person shall ensure that all fall protection equipment is inspected prior to each use for wear, damage, defect or other deterioration by employees who have been trained in accordance with 13 NCAC 07F .0609. Defective equipment shall be identified as defective and immediately removed from service;

(4) Components of a fall protection system and the fall protection equipment utilized by employees shall be compatible with one another and shall be utilized in accordance with the manufacturer's recommendations; and

(5) The employer shall ensure that the planning and inspections are performed and documented. The documentation shall be maintained on site while work is being performed, and thereafter by the employer at its place of business. The documentation shall include the date of the planning and inspection, the name of the competent person performing the planning and inspection, and the site location.

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

(1) an alternative means of 100% fall protection is utilized that is at least as effective as the fall protection systems described in Paragraphs (d) through (g) of this Rule;

(2) an alternative means of access to the work area is utilized such as an aerial lift or elevated work platform; or

(3) the employer can demonstrate that the requirements for a fall protection plan under Paragraph (i) of this Rule have been met.

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

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

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

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

(1) Prior to climbing the structure, the employer shall ensure that the employee(s) have tested the ladder safety system for proper operation and that all components utilized with the ladder safety system are compatible;

(2) To perform the test required by Subparagraph (g)(1) of this Rule, the employee(s) shall:

(A) Approach the ladder at the base and connect to the functional safety climb system;

(B) Climb to a height less than six feet;

(C) Forcibly engage the device without letting go of the ladder;

(D) If the device functions as intended, the employee(s) shall begin the ascension;

(E) If the device does not function properly, the employee(s) shall immediately descend the structure and shall not utilize the device until it functions properly; and

(3) If a ladder is obstructed, inhibiting the effective use of the ladder safety system, an alternative means of 100% fall protection shall be utilized that is at least as effective as the types of fall protection described by this Rule.

(h) Fall Protection Plan. This Paragraph applies when employees are working on a structure where no adequate tie-off anchorage point(s) exist, the fall protection systems described in Paragraph (c) of this Rule are not feasible or create a greater hazard, and the work can not be completed utilizing an alternative means of access to the work area

such as an aerial lift or elevated work platform. If an employer demonstrates the foregoing conditions are present, then in addition to the criteria in 29 CFR 1926.502(k), the employer shall conform to the following provisions:

(1) The employer shall ensure that each employee under the fall protection plan has been trained as a qualified climber;

(2) The fall protection plan shall be made available and communicated to exposed employee(s) prior to the employee(s) beginning work, and such communication shall be documented; and

(3) The fall protection plan shall identify each location on the tower structure where fall protection methods as described in Paragraph (c) of this Rule cannot be used. As soon as adequate tie-off anchorage points or other fall protection systems can be established, the employer shall utilize any of the fall protection systems described in Paragraph (c) of this Rule.

(i) Emergency and Rescue Procedures.

(1) The employer shall establish procedures for rescue of employees in the event of an emergency, which shall include whether the employer will designate its own employees to perform the rescue procedures or whether the employer will designate a third-party to perform the rescue procedures. The procedures shall be documented and available for review by the Deputy Commissioner of Labor for Occupational Safety and Health or his designee, upon request.

(2) Employer to Perform Rescue Procedures. An employer whose employees have been designated to provide elevated (high angle) rescue and emergency services shall take the following measures:

(A) Ensure at least two trained and designated rescue employees are on site when employees are working at heights over six feet on the tower, provided however, where there are only two employees on site, then an employer may comply with the requirements of this Part if one employee is a trained and designated rescue employee and one employee has been employed for less than nine months and has received documented orientation from the employer outlining steps to take in an emergency;

(B) Ensure that personal protective equipment (PPE) and high angle rescue equipment needed to conduct elevated rescues are provided, used and maintained by the designated rescue employees;

(C) Train designated rescue employees so they are proficient in the use and maintenance of PPE and high angle rescue equipment needed to conduct elevated rescues; and

(D) Train designated rescue employees to perform assigned rescue duties to ensure that they become competent to perform such duties, including conducting simulated rescue operations at least once every 12 months.

(3) Third-Party to Perform Rescue Procedures. An employer who designates a third-party rescue and emergency service to provide elevated (high angle) rescue and emergency services shall take the following measures:

(A) Obtain verification from the third-party rescue team or service that it is able to respond to a rescue summons in a timely manner;

(B) Obtain verification from the third-party rescue team or service that it is proficient with rescue-related tasks and equipment as they relate to rescuing climbers from elevated heights on communication structures;

(C) Select a rescue team or service from those evaluated that has verified it has the capability to reach the victim(s) and is equipped for and capable of performing the needed rescue services;

(D) Provide the selected rescue team or service with contact information regarding all towers/structures from which rescue may be necessary so that the rescue service can develop appropriate rescue plans and practice rescue operations as it deems necessary; and

(E) Inform the selected rescue team or service, prior to the first day on which employee(s) perform work at heights over six feet on the tower, of the site and location of the tower(s) to be climbed; the hazard(s) identified on the site; the number of employees that will climb the tower(s); the height(s) at which employee(s) will be working; the name(s) and telephone number(s) for any employer contact(s); and, any other information that is requested by the rescue team or service.

(j) First Aid/CPR Training and Supplies. In addition to the requirements of 29 CFR 1910.151 and 29 CFR 1926.50, the employer shall ensure that at least two employees on site are trained and hold current certifications in basic first aid and cardiopulmonary resuscitation (CPR) issued by the American Red Cross or any other organization whose

standards are equivalent to the American Red Cross; provided, however, where there are only two employees on site, then an employer may comply with the requirements of this Paragraph if one employee is trained and holds current certifications in basic first aid and CPR and one employee has been designated by the employer as a probationary employee and has been employed for less than six months.

History Note: *Authority G.S. 95-131;*
Eff. September 2, 2005;
Temporary Amendment Eff. October 31, 2006;
Amended Eff. February 1, 2007;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0606 NON-IONIZING RADIATION

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

(b) Protection from Radiation Exposure.

(1) Employees shall not enter areas where RF exposure levels are above the general population/uncontrolled MPE's described in 47 CFR 1.1310 unless they understand the potential for exposure and can exercise control over the exposure.

(2) Control Procedures. Prior to employees performing work in areas on a communication tower where RF exposure levels exceed the occupational/controlled MPE values stated in 47 CFR 1.1310, the employer shall enact and enforce written control procedures that provide for the reduction, elimination, avoidance or protection from such RF levels. These written control procedures shall include the following:

(A) Reducing the transmitter power to a level that ensures RF exposure levels in areas where employees are working do not exceed the occupational/controlled MPE values stated in 47 CFR 1.1310, and that the transmitter power level is not increased until all employees have ceased working in those areas. If this method is chosen, the transmitter power shall be locked out and tagged out at the reduced level by a competent person in accordance with 29 CFR 1910.147. Prior to removing lock out/tag out devices and restoring the original transmitter power level, all employees shall be notified and the work area shall be checked to ensure that all employees have been safely positioned and removed;

(B) If the transmitter power level in areas where employees are working cannot be reduced and maintained at a level that ensures RF exposure levels do not exceed the occupational/controlled MPE values stated in 47 CFR 1.1310, the transmitter power shall be locked out and tagged out by a competent person in accordance with 29 CFR 1910.147. Prior to removing lock out/tag out devices and restoring the transmitter power level, all employees shall be notified and the work area shall be checked to ensure that all employees have been safely positioned and removed;

(C) If the transmitter power level can not be reduced or eliminated, an employer may permit its employees to access areas where the occupational/controlled MPE values stated in 47 CFR 1.1310 are exceeded if it implements engineering or administrative controls that comply with the FCC's regulations concerning such exposure, including limiting the duration of the exposure and utilizing monitoring equipment, RF protective clothing and other related PPE; or

(D) If an employer cannot ensure that the conditions in Parts (A), (B) or (C), of this Subparagraph, are met, employees shall not be permitted to access areas where RF exposure levels exceed the occupational/controlled MPE values stated in 47 CFR 1.1310.

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

(d) RF Safety Program. When employees are exposed to RF fields in excess of the general population/uncontrolled MPE limits established in 47 CFR 1.1310 as a consequence of their employment, the employer shall develop,

implement, and maintain a written safety and health program with site specific procedures and elements based on the electromagnetic radiation hazards present, in accordance with 13 NCAC 07F .0609(g).

History Note: *Authority G.S. 95-131;*
Eff. July 28, 2006;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0607 HOISTS AND GIN POLES

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

(1) All hoists shall meet the requirements set forth in this rule, 29 CFR 1910, Subpart N, and 29 CFR 1926, Subpart N, where applicable.

(2) All hoists shall meet applicable requirements for design, construction, installation, testing, inspection, maintenance, and operation as prescribed by the manufacturer, or a licensed professional engineer.

(3) Employers shall maintain at the work site the operating manual developed by the manufacturer for the specific make and model hoist being used, as well as documentation for any inspection, testing, and operator training certification required by the rules in this Section,

(4) An employer shall not operate or permit to be operated a hoist that the employer knows, or reasonably should know, will expose his employee(s) to an unsafe condition which is likely to result in personal injury or property damage.

(b) Gin Poles.

(1) Rigging Equipment.

(A) Wire rope, slings, chains, shackles, turnbuckles, links, hooks, sheaves, rotating rooster heads, blocks, and hoists, used in a gin pole lifting arrangement shall meet the manufacturer's safe working load limits. In addition, each component shall have a nominal breaking strength of no less than five times the static load applied. Consideration for end fitting losses and actual positioning of connecting parts shall be given;

(B) Lugs or other devices for lifting or attaching the gin pole in position shall be designed with load and resistance factors appropriate for their intended use;

(C) Only alloy chains marked by the manufacturer with an 8, T, or an A, rated for lifting, shall be used;

(D) Only quenched and tempered hooks and shackles shall be used. The manufacturer's load rating shall be stamped on the product; and

(E) The breaking strength of the sheave shall equal or exceed the breaking strength of the wire rope intended for the sheave.

(2) Gin Pole Use.

(A) A user's gin pole load chart shall be provided for each pole;

(B) Any special engineered pick, which is outside of the load chart, shall only be allowed at the direction of a licensed professional engineer. Monitoring and measuring conditions, as specified by a licensed professional engineer, shall be provided and used during all special engineered picks;

(C) Modifications or repairs of a gin pole shall be made with like or similar materials to meet or exceed the original specifications. Modifications or repairs shall be recertified by a licensed professional engineer; and

(D) There shall be a mechanism in place to prevent the gin pole from tipping during the jumping process.

(3) Wire Rope. Wire rope used for rigging shall be as follows:

(A) Compatible with the sheaves of the rooster head and hoisting blocks;

(B) Lubricated in accordance to manufacturer specifications to prevent corrosion and wear;

(C) End connections shall be terminated per industry and manufacturer's specifications;

(D) Wedge sockets shall have a minimum tail length of one rope lay with a properly torqued clip attached to prevent accidental disengagement; and

(E) Flemish eyes shall contain heavy duty thimbles of appropriate size for the wire rope diameter, and shall have a minimum tail length of one rope lay secured with a properly torqued clip at its end.

(4) Inspections.

(A) Gin poles shall have a documented inspection annually by a qualified person;

(B) In addition to the annual inspection, the employer shall designate a competent person who shall visually inspect the gin pole and rigging prior to each use, and during use, to make sure it is in safe operating condition. Any deficiencies shall be repaired before use continues;

(C) During each inspection, the qualified or competent person shall inspect the legs and bracing members for bends or distortion;

(D) During each inspection, the qualified or competent person shall inspect the straightness tolerances for the overall assembly (including leg and bracing members);

(E) During each inspection, the qualified or competent person shall visually inspect the welds for quality, deformation, cracks, rust, or pitting or loss of cross sectional area;

(F) During each inspection, the qualified or competent person shall inspect the members for excessive rust or pitting or loss of cross sectional area;

(G) During each inspection, the qualified or competent person shall inspect the sling attachment points for distortion, wear, cracks, and rust;

(H) During each inspection, the qualified or competent person shall ensure that proper bolts are utilized and all associated hardware is in good condition;

(I) During each inspection, the qualified or competent person shall inspect side plates on rooster heads for distortion or other damage;

(J) During each inspection, the qualified or competent person shall inspect all attachment hardware, including rigging and parts such as cables, slings, and sling attachment points, shackles, hooks, and sockets for wear, distortion, cracks, and rust; and

(K) During each inspection, the qualified or competent person shall ensure that all problems identified during the inspection are corrected before placing the gin pole into service.

History Note: *Authority G.S. 95-131;*
Eff. April 1, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0608 RECORD KEEPING

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

(1) Training Records. All material related to the employer's training and education program, pursuant to 13 NCAC 07F .0609.

(2) Medical Records and Non-Ionizing Radiation Exposure Records. All medical records (in accordance to 29 CFR 1910.1020(d)(1)(i)) and material related to each analysis using exposure or medical records (in accordance with 29 CFR 1910.1020(d)(1)(iii).

(3) Equipment Inspections and Testing Records. All material related to the modification, repair, test, calibration or maintenance service of all equipment.

History Note: *Authority G.S. 95-131;*
Eff. February 1, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0609 TRAINING

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

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

(c) Written Work Procedures.

(1) The employer's written work procedures shall be provided to employees as part of their training.

(2) Pictures and symbols may be used as a means of instruction if employee understanding is improved using this method.

(3) Manufacturers' operating manuals for personnel hoisting systems satisfy the requirement for operating procedures for the respective equipment, or can serve as the basis for these procedures.

(d) Hazardous Materials Training. Employees required to handle or use flammable liquids, gases, or toxic materials shall be instructed in the safe handling and use of these materials and made aware of the specific requirements contained in 29 CFR 1926.55 and 29 CFR 1910.1200, as applicable.

(e) Fall Protection Training.

(1) The employer shall provide a training program for each employee who might be exposed to fall hazards.

(2) The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

(3) The employer shall ensure that each employee has been trained by or under the supervision of a qualified person in the following areas:

(A) The nature of fall hazards in the work area;

(B) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;

(C) The correct procedures for inspecting fall protection equipment for wear, damage, defect or deterioration.

(D) Climbing safety procedures;

(E) The use and operation of the fall protection systems utilized by the employer, as described in 13 NCAC 07F .0605(c);

(F) The role of each employee in any safety monitoring system being used;

(G) The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection;

(H) The role of employees in fall protection plans; and

(I) The compatibility of fall protection equipment and fall protection systems.

(f) Hoist Operator Training. The employer shall maintain documentation that the hoist operator has practical training on the hoist he is operating. Training of hoist operators shall meet the requirements of 29 CFR 1910.179 and 29 CFR 1926, Subpart N.

(g) RF Training.

(1) All employees exposed in excess of the general population/uncontrolled MPE limits stated in 47 CFR 1.1310 shall receive RF hazard awareness training by or under the supervision of a qualified person in the following areas:

(A) MPE Limits for occupational/controlled exposure;

(B) Recognition of RF exposure sources in communication tower work;

(C) Proper use and interpretation of RF exposure;

(D) Work procedures to avoid excessive RF exposure;

(E) Proper use of RF protective clothing and other related PPE;

(F) Symptoms and health issues related to RF exposure; and,

(G) RF exposure first-aid procedures.

(2) Employers shall ensure that each affected employee who works in an electromagnetic energy environment with potential RF exposure in excess of the general population/uncontrolled MPE limits stated in 47 CFR 1.1310 has access to and understands the specific site information related to the RF energy and RF fields present at each individual site.

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

(1) Changes in the workplace render previous training obsolete;

(2) Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or

(3) Inadequacies in an employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

(i) Training Records.

(1) The employer shall certify that each employee has been trained by preparing a certification record which includes:

(A) The identity of the person trained;

(B) The signature of the employer or the qualified person who conducted the training; and

(C) The date that training was completed.

(2) A copy of the training lesson plan for each topic of instruction shall be maintained by the employer.

(3) The certification record shall be prepared at the completion of the training required by this Rule and shall be maintained for the duration of the employee's employment.

(4) The most current certification record shall be kept available for review by the Deputy Commissioner of Labor for Occupational Safety and Health or his designee, upon request.

(5) An employer may accept training records or certificates for previous training if the employer verifies that all training and knowledge is current and applicable to the new employee's job duties.

History Note: *Authority G.S. 95-131;*
Eff. February 1, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SECTION .0700 – BLASTING AND USE OF EXPLOSIVES

13 NCAC 07F .0701 BLASTING AND USE OF EXPLOSIVES

The provisions of Subpart U of Title 29, Part 1926 of the Code of Federal Regulations promulgated as of March 7, 2005, and exclusive of subsequent amendments, are incorporated by reference except as modified or amended in 13 NCAC 07F .0701 through .0716.

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0702 DEFINITIONS

Additions and amendments to 29 CFR 1926.914 Definitions apply throughout the Rules in this Section as follows:

(a) "American Table of Distances" (also known as Quantity Distance Tables) – the current edition of the American Table of Distances for Storage of Explosives approved by the Institute of the Makers of Explosives.

(b) "Approved storage facility" means – A facility for the storage of explosive materials conforming to the requirements of the Rules in this Section and covered by a license or permit issued under authority of the Bureau of Alcohol, Tobacco and Firearms. (See 27 CFR Part 55.)

(c) "Blast area" – The area within the influence of flying debris, gases, and concussion from an explosion that may cause injury to property or persons.

(e) "Blasting agent" – A blasting agent is a mixture consisting of a fuel and oxidizer used for blasting where the finished (mixed) product cannot be detonated with a No. 8 test blasting cap when confined.

(j) "Detonator" – Blasting caps, electric blasting caps, electric delay blasting caps, and non-electric delay blasting caps.

(k) "Electric detonator" – A detonator designed for and capable of detonation by means of an electric current.

(l) "Electric blasting circuitry"

(1) Bus wire. – An expendable wire, used in parallel or series, in parallel circuits, to which are connected the leg wires of electric detonators.

(2) Connecting wire. – An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.

(3) Lead wire. – An insulated wire used between the electric power source and the electric detonator circuit.

(4) Permanent firing line. – A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

(m) "Electric delay detonators" – Detonators designed to detonate at a predetermined period of time after energy is applied to the ignition system.

(n) "Explosives"

(1) Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the U.S. Department of Transportation (USDOT).

(2) Any material designated as a Class 1 Explosive by the USDOT. Under the USDOT classification system, Class 1 materials are divided into the following six divisions:

Division 1.1 - Mass exploding (Formerly Class A)
Division 1.2 - Projection hazard (Formerly Class A or B)
Division 1.3 - Fire hazard, minor blast or projection hazard (Formerly Class B)
Division 1.4 - Minor explosion hazard, not mass detonating (Formerly Class C)
Division 1.5 - Insensitive explosives, very little probability of initiation or transition from burning to detonation during transport. (Formerly Blasting Agent).
Division 1.6 - Insensitive articles which do not mass detonate. (No commercial explosives in this division)

(p) "Magazine" – Any container, building or structure, other than an explosives manufacturing building, used for the storage of explosives.

(s) "Non-electric delay detonator" – A detonator with an integral delay element in conjunction with and capable of being detonated by a detonation impulse or signal from miniaturized detonating cord or shock tube.

(v) "Safety fuse" – A flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate for the purpose of firing detonators.

(x) "Stemming" – An inert incombustible material or device used to confine or separate explosives in a drill hole, or to cover explosives in mud-capping.

(z) "Water-based explosives" – Explosive materials that contain substantial quantities of water in their formulation. They may be bulk or packaged products and may be cap sensitive or non cap sensitive (blasting agents). Examples of water-based explosives include emulsions, slurries and water gels.

(bb) "Appropriate authorities" or "Authorities having jurisdiction" – local, State and federal law enforcement authorities required to be notified by law or permit or the Rules in this Section.

(cc) "Blaster-in-Charge" – The person who meets the qualifications contained in §1926.901 and who is authorized to oversee the blasting operations and to use explosives for blasting purposes.

(dd) "Blast site" – The area where explosive material is handled during loading, including the perimeter formed by loaded blast holes, and 50 feet (15.2 meters) in all directions from loaded holes. A minimum distance of 30 feet (9.1 meters) may replace the 50 feet (15.2 meters) if the perimeter of loaded holes is demarcated with a barrier. The 50 feet (15.2 meters) and alternative 30 feet (9.1 meters) requirements also apply in all directions along the full depth of the holes. In underground mines, 15 feet of solid rib or pillar may be substituted for the 50 feet distance.

(ee) "Shock tube" – A small diameter plastic tube used for initiating detonators. Shock tube contains a limited amount of reactive material so that the energy transmitted through the tube by means of detonation wave is guided through, and confined within, the walls of the tube.

(ff) "Blasting operation" – Any work or activities associated with the use of explosives on a blast site.

(gg) "Attended" – Presence of an individual or continuous monitoring to prevent unauthorized entry or access.

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;
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13 NCAC 07F .0703 GENERAL PROVISIONS

Additions and amendments to 29 CFR 1926.900 General Provisions apply throughout the Rules in this Section as follows:

(a) The employer shall permit only persons qualified pursuant to §1926.901 to handle and use explosives. A blaster shall be in charge of each blasting operation; hereafter, referred to as the Blaster-in-Charge.

(b) Smoking, firearms, sparks, open flame or heat producing devices shall be prohibited where explosives are being stored, handled, transported or used. Exception: This does not apply to devices specifically designed to initiate detonation, which by their nature produce heat or sparks.

(c) See 1926.901(b).

(d) All explosives shall be accounted for at all times. Explosives not being used and not attended shall be kept in a magazine or container that meets the U.S. Bureau of Alcohol, Tobacco and Firearms (hereafter, ATF) storage and access requirements contained in 27 CFR Part 55, which is incorporated herein by reference, including any subsequent amendments and editions. Each employer shall maintain an inventory and use record of all explosives in that employer's possession. The employer, or employer authorized person, shall comply with all applicable local, State and federal laws and regulations requiring notification of any loss, theft, or unauthorized entry into a magazine or container.

(g) Original containers, ATF Type 2, Type 3, Type 4 or Type 5 magazines or Institute of Makers of Explosives (hereafter, IME) - 22 containers, shall be used for taking detonators and other explosives from storage magazines to the blast site.

(h) In proximity to people, a structure, railway, highway or any other installation, the blaster shall take additional precautions to control the throw of fragments and to prevent bodily injury to employees and people not working directly on the blasting operation. Such additional precautions shall be taken in the loading, delaying, initiation and confinement of each blast and shall include confinement with mats or with mats and other methods.

(i) All blast site employees shall follow the directions of the Blaster-in-Charge. All blast site employees shall use and adhere to every precaution to ensure employee safety including, but not limited to, visual and audible warning signals, flags, or barricades.

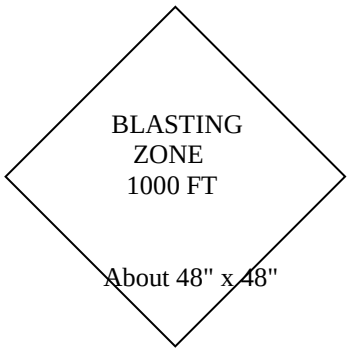
(k) Precautions shall be taken to prevent accidental discharge of electric detonators from current induced by radar, radio transmitters including 2-way radios and mobile telephones, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(1) See Section 1926.906(a) and (b).

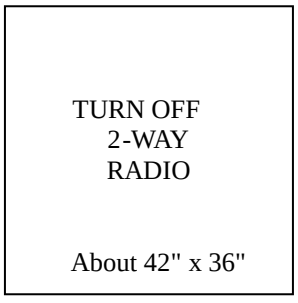
(2) At the approach and progress of an electric storm, blasting operations shall be suspended and personnel removed to an area safe from concussion (shock wave), flying material, or gases from an explosion.

(3) (i) The prominent display of adequate signs, warning against the use of mobile radio transmitters, (e.g., telephones and 2-way radios) on all roads within 1,000 feet of electric blasting operations. If adherence to the 1,000-foot distance would create an operational handicap, then a competent person (as defined in 29 CFR 1926 Subparts L and P) shall be consulted to evaluate the particular situation, and alternative provisions may be made which are designed to prevent any premature firing of electric detonators. A description of any such alternatives shall be reduced to writing and shall be certified by the competent person consulted as meeting the purposes of this subdivision. The description shall be maintained at the construction during the duration of the work, and shall be available for inspection by representatives of the Commissioner of Labor.

(ii) Examples of signs which would meet the requirements of paragraphs (i) and (k)(3) of this section are the following:



About 48" x 48"



About 42" x 36"

(4) Ensuring that mobile transmitters including telephones and 2-way radios which are less than 100 feet away from electric detonators, in other than original containers, shall be de-energized and effectively prevented from operating, (e.g., locked);

(5) The Blaster-in-Charge shall comply with the recommendations of IME with regard to blasting in the vicinity of radio transmitters as stipulated in Safety Guide for the Prevention of Radio Frequency Radiation Hazards in the Use of Commercial Electric Detonators (Blasting Caps), IME Safety Library Publication No. 20, 2000, which is incorporated herein by reference, including any subsequent amendments and editions.

(l) Empty boxes and associated paper and fiber packing materials, which have previously contained explosives, shall not be used for any purpose, other than that associated with the blasting operation. Such boxes, paper and packing materials shall be disposed of in a manner that prevents reuse and does not constitute a hazard. Disposal may include but shall not be limited to burning. The method used for disposal shall comply with all applicable local, State or federal laws.

(n) Delivery and issue of explosives shall only be made by and to authorized persons (as defined in 27 CFR Part 55) and into magazines or temporary storage or handling areas that meet the ATF storage requirements contained in 27 CFR Part 55.

(o) Blasting operations in the proximity of overhead power lines, communication lines, utility services, or other services and structures shall not commence until the operators or owners have been notified and measures for safe control have been taken.

(q) All loading and firing shall be directed and supervised by the Blaster-in-Charge.

(r) All blasts shall be fired under the control of a blaster, with an initiation system in accordance with manufacturer's recommendations. All blasts shall be fired in accordance with the manufacturer's recommendations.

(s) Buildings used for the mixing of blasting agents or water-based explosives shall conform to the requirements of this section.

(3) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will be contained and will not drain toward the mixing plant building.

(4) The building shall be adequately ventilated to prevent explosive or hazardous substance hazards.

(5) Heating units may be used in the building if they do not depend on combustion processes, and are properly designed and located to prevent explosive or other hazards. All direct sources of heat shall be provided exclusively from units located outside the mixing building.

(6) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be isolated by a firewall and shall be properly ventilated to prevent explosive or exhaust gas hazards to employees. The exhaust systems on all such engines shall be located so any heat or spark generated or emitted cannot be a hazard to any materials in or adjacent to the plant.

(t) See .900(s).

(1) See .900(s)(1).

(2) See .900(s)(2).

(3) See .900(s)(3).

(4) See .900(s)(4).

(5) See .900(s)(5).

(6) See .900(s)(6).

(u) To guard against unauthorized entry or initiation of a blast, a blast site shall be attended if loading is suspended or loaded holes are awaiting firing. Additionally, the blast site shall be barricaded, posted, and flagged as necessary to prevent unauthorized access.

(v) No one shall carry explosives or explosives detonating materials (e.g., blasting caps, detonators, fuse, primers) of any kind on his or her person. This does not prohibit hand-carrying or passing such materials when a hole is being loaded.

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0704 BLASTER QUALIFICATIONS

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

(a) Blasters shall be able to understand and give written and oral orders.

(b) Blasters and others authorized to handle or transport explosive materials or conduct blast site activities shall be in sufficiently good physical condition to perform the work safely and not be addicted to, or under the influence of, narcotics, intoxicants, or similar types of drugs.

(c) Blasters shall be qualified, by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of State, federal and local laws and regulations which pertain to explosives.

(d) Blasters shall be required by the employer to furnish evidence satisfactory to the employer of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(e) Blasters shall be knowledgeable in the use of each type of blasting method used.

(f) Pursuant to 29 CFR 1926.21(b), the employer shall instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to the employee's work and work environment.

History Note: *Authority G.S. 95-131;*
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13 NCAC 07F .0705 SURFACE TRANSPORTATION OF EXPLOSIVES

Additions and amendments to 29 CFR 1926.902 Surface Transportation of Explosives apply throughout the Rules in this Section as follows:

(a) Surface transportation of explosives and blasting agents shall be in accordance with applicable U.S. Department of Transportation (hereafter, DOT) regulations. Where DOT regulations do not normally apply (e.g., off-road vehicles), compliance shall be in accordance with either the directly related DOT regulation or 1926.902(b) through 1926.902(1), as applicable. Where DOT regulations do not exist, 1926.902(b) through 1926.902(l) apply.

(b) Motor vehicles or conveyances transporting explosives shall only be driven by, and be in the charge of, a licensed driver. The driver shall be familiar with the local, State, and Federal regulations governing the transportation of explosives.

(d) Explosives, blasting agents, and blasting supplies shall not be transported with other materials or cargoes. Blasting caps and detonators shall not be transported in the same vehicle with other explosives unless the provisions of the IME Safety Publication No. 22, "Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials," which is incorporated herein by reference including subsequent amendments and editions, are followed.

(f) When explosives are transported by a vehicle with an open body, an ATF Type 2, ATF Type 3, IME 22 or original manufacturer's container shall be securely attached to the vehicle to contain the cargo.

(h) Every motor vehicle or conveyance used for transporting explosives shall be marked or placarded on both sides, the front, and the rear with the word "Explosives" in red letters, not less than 4 inches in height, on white background. The motor vehicle or conveyance may also display, in such a manner that it will be readily visible from all directions, a red flag 18 inches by 30 inches, with the word "Explosives" painted, stamped, or sewed thereon, in white letters, at least 6 inches in height.

(i) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher, in good condition (as described in 29 CFR 1926.150). An extinguisher, approved by a nationally recognized testing laboratory, of not less than 10-ABC rating will meet the minimum requirement. The driver shall be trained in the use of the extinguisher on the vehicle.

(j) Motor vehicles or conveyances carrying explosives or blasting agents, shall not be taken inside a garage or shop for repairs or servicing.

(l) In order to prevent explosives hazards, explosive materials shall be transported to the storage or blast site without delay.

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0706 UNDERGROUND TRANSPORTATION OF EXPLOSIVES

Additions and amendments to 29 CFR 1926.903 Underground Transportation of Explosives apply throughout the Rules in this Section as follows:

(a) In order to prevent explosives hazards, all explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(b) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated by the Blaster-in-Charge to be necessary for the blast.

(h) Vehicles containing explosive material shall be occupied only by persons necessary for handling the explosive material while in transit.

(m) Any powder car or conveyance used for transporting explosives or blasting agents shall bear a reflecting sign on each side with the word "Explosives". The sign's letters shall be a minimum of 4 inches in height and shall be on a background of sharply contrasting color.

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

(q) Explosives or blasting agents, not in original containers, shall be placed in a nonconductive, closed container when transported manually.

History Note: *Authority G.S. 95-131;*
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13 NCAC 07F .0707 STORAGE OF EXPLOSIVES AND BLASTING AGENTS

Additions and amendments to 29 CFR 1926.904 Storage of Explosives and Blasting Agents apply throughout the Rules in this Section as follows:

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

(b) Blasting caps and other detonators shall not be stored in the same magazine or container with other explosives or blasting agents. Surplus primers shall be disassembled and components stored separately.

(c) Smoking and open flames shall not be permitted within 50 feet of explosive, detonators, or blasting agents storage.

(d) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has at least two modes of exit.

(e) Permanent underground explosive materials storage shall be at least 300 feet from any shaft, edit, or active underground working area.

(f) Permanent underground explosive materials storage containing detonators shall not be located closer than 50 feet to any storage containing other explosives or blasting agents.

History Note: *Authority G.S. 95-131;*
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13 NCAC 07F .0708 LOADING OF EXPLOSIVES OR BLASTING AGENTS

Additions and amendments to 29 CFR 1926.905 Loading of Explosives or Blasting Agents apply throughout the Rules in this Section as follows:

(a) Procedures that permit safe and efficient loading shall be established by the Blaster-in-Charge or the employer before loading is started.

(b) Drill holes shall be sufficiently large to admit easy insertion of the cartridges of explosives.

(c) Tamping shall be done only with non-metal, non-sparking tamping poles without exposed metal parts, except that nonsparking metal connectors may be used for jointed poles. Violent tamping shall be prohibited. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, remaining explosives and detonators shall be promptly moved to a safe location and attended or stored pursuant to ATF storage requirements contained in 27 CFR Part 55.

(e) Drilling shall not be started until all visible butts of old holes are examined for unexploded charges, and if any are found, they shall be disposed of in accordance with 1926.911, before work proceeds.

(h) Machines, personnel and tools not required for the blasting operation shall be removed from the blast site before explosives are removed from storage or transportation vehicles. Blasting operation related vehicles or equipment shall not be driven over, or near enough to, explosive material or initiation systems to come into contact with the explosive material or initiation systems. Equipment not needed for the final blast shall not be operated within 50 feet of loaded holes.

(i) During loading the only activity permitted within the blast site shall be that required to successfully and safely load the hole.

(j) Power lines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents. The blaster shall assure that cables in the proximity of loaded holes are deenergized and locked out. Additionally, when using electric detonators, the provisions of 1926.906(b) apply.

(k) Holes shall be checked prior to loading to determine depth and conditions. Only those holes determined by the Blaster-in-Charge to be satisfactory shall be loaded.

(l) When loading a line of holes with more than one loading crew, the crews shall be separated by practical distance consistent with safe and efficient operation and supervision of crews.

(m) No explosive shall be loaded or used underground in the presence of combustible gases or combustible dusts, unless the work is performed in accordance with the Mine Safety and Health Administration (MSHA) standards at 30 CFR 75 related to such environments, which are incorporated herein by reference, including subsequent amendments and editions, and unless the explosives have been approved as permissible explosives for use in gassy or dusty environments by MSHA.

(n) No explosives other than those in IME Fume Class 1 shall be used. However, explosives complying with the requirements of IME Fume Class 2 and IME Fume Class 3 may be used if adequate ventilation has been provided to prevent explosive or hazardous substance hazards to employees.

(q) A bore hole shall never be sprung when there is a risk of a premature detonation of a loaded hole.

(s) Areas in which loading is suspended or loaded holes are awaiting firing shall be attended, and barricaded, posted, or flagged as needed to guard against unauthorized entry or initiation.

(t) The blaster shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in each blast and shall keep an accurate running inventory of all explosives and blasting agents in the blaster's custody.

(u) When loading blasting agents pneumatically over electric detonators, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(v) Primers shall be made up just before their time of use and at the point of use.

(w) Holes shall not be drilled in a manner that disturbs or intersects a loaded hole.

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13 NCAC 07F .0709 INITIATION OF EXPLOSIVE CHARGES-ELECTRIC BLASTING

Additions and amendments to 29 CFR 1926.906 Initiation of Explosive Charges-Electric Blasting apply throughout the Rules in this Section as follows:

(a) Electric detonators shall not be used where sources of extraneous electricity make the use of electric detonators dangerous. Except during testing, electric detonator leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) If the presence of extraneous electricity is possible, the blaster shall conduct a stray current survey. No holes shall be loaded using electric detonators until the danger of extraneous electricity is eliminated.

(c) In any single blast using electric detonators, all detonators shall be of the same style or function, and of the same manufacture.

(d) Electric initiation shall be carried out by using blasting machines or power circuits in accordance with the manufacturer's recommendations.

(e) When firing a circuit of electric detonators, an adequate quantity of delivered current must be available, in accordance with the manufacturer's recommendations.

(h) When firing electrically, the insulation on all firing lines shall be in good condition and shall be adequate to prevent voltage leaks.

(i) A power circuit used for firing electric detonators shall not be grounded.

(k) In underground operations there shall be a "lightning" gap of at least 15 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(n) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric detonators used.

(o) The number of electric detonators connected to a blasting machine shall not be in excess of its rated capacity. A series circuit shall contain no more detonators than the limits recommended by the manufacturer of the electric detonators in use.

(p) A blaster shall be in charge of the blasting machines.

(q) A blaster shall test blasting circuits for:

(1) Continuity of electric detonator in the blast hole prior to stemming and connection of the blasting line.

(2) Resistance of individual series or the resistance of multiple balanced series to be connected in parallel prior to their connection to the blasting line.

(3) Continuity of blasting lines prior to the connection of electric detonator series.

(4) Total blasting circuit resistance prior to connecting to the power source. A blasting galvanometer, or other instrument specifically designed for testing blasting circuits, shall be used to conduct these tests.

(r) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live power line by the force of an explosion, the total length of wires shall be kept too short to hit the lines, or the wires shall be securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(s) The blaster shall assure that all connections are made from the bore hole back to the source of firing current, and that the leading wires remain shorted, except during testing, and not connected to the blasting machine or other source of current until the blast is to be fired. Only the blaster, or a qualified person (as described in 1926.900(a) and 1926.901) under the direct control of the blaster, shall make lead wire connections or fire the shot.

History Note: *Authority G.S. 95-131;*
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13 NCAC 07F .0710 USE OF SAFETY FUSE

Additions and amendments to 29 CFR 1926.907 Use of Safety Fuse apply throughout the Rules in this Section as follows:

(a) A safety fuse that has been hammered or injured in any way shall not be used.

(d) Only a cap crimper shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(h) Safety fuses of at least the following minimum lengths shall be used:
  (1) At least a 36-inch length for 40-second-per-foot safety fuse and
  (2) At least a 48-inch length for 30-second-per-foot safety fuse.

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

History Note: *Authority G.S. 95-131;*
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13 NCAC 07F .0711 USE OF DETONATING CORD AND SHOCK TUBE

Additions and amendments to 29 CFR 1926.908 Use of Detonating Cord and Shock Tube apply throughout the Rules in this Section as follows:

(a) A detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives shall be used.

(b) Detonating cord shall be handled and used in the same manner as other explosives.

(d) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up. Shock tube shall never be pulled, stretched, kinked, twisted, mashed or abused in any way which could cause the tube to break or otherwise malfunction.

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

(g) All detonating cord connections, shock tube connections and splices shall be inspected before firing the blast.

(h) When detonating cord or shock tube millisecond-delay connectors or short-interval-delay electric detonators are used with detonating cord or shock tube, the practice shall conform strictly to the manufacturer's recommendations.

(i) When connecting a detonator to detonating cord or shock tube, the detonator shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the detonator containing the explosive charge pointed in the direction in which the detonation is to proceed.

(k) Shock tube shall not be connected to the initiation device until the blast is to be fired.

History Note: *Authority G.S. 95-131;*
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13 NCAC 07F .0712 FIRING THE BLAST

Additions and amendments to 29 CFR 1926.909 Firing the Blast apply throughout the Rules in this Section as follows:

(a) The Blaster-in-Charge shall establish a code of blasting signals and all blast site employees shall familiarize themselves with and conform to the code. As a minimum, the code shall:
  (1) contain audible pre-blast and audible all clear signals, and
  (2) contain an emergency method for guards, flagmen, or other authorized employees to signal "do not fire", and
  (3) prohibit sounding of the all clear signal until the blaster has checked the blast site for misfires. Table U-1 is an example of a code of blasting signals that would meet these requirements. Further, the Blaster-in-Charge shall require the placement of Danger signs and posting of the blasting signals when personnel not associated with the blasting operation are within the blast area.

(b) Before a blast is fired, the Blaster-in-Charge shall make certain that all surplus explosives are in an area meeting the ATF explosive storage requirements contained in 27 CFR 55 and that all persons are at a safe distance, or under sufficient cover.

(c) Flagmen shall be safely stationed on highways which pass through the blast area so as to stop traffic during blasting.

(d) The Blaster-in-Charge shall fix the time of blasting.

(e) Before firing an underground blast, warning shall be given, and all possible entries into the blast area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded to prevent entry into the area. The Blaster-in-Charge shall make sure that all surplus employees have been removed from the blast area and that all personnel are out of the blast area.

History Note: *Authority G.S. 95-131.*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0713 INSPECTION AFTER BLASTING

Additions and amendments to 29 CFR 1926.910 Inspection After Blasting apply throughout the Rules in this Section as follows:

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

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0714 MISFIRES

Additions and amendments to 29 CFR 1926.911 Misfires apply throughout the Rules in this Section as follows:

(a) If a misfire is found, the Blaster-in-Charge shall invoke sufficient safeguards to exclude all employees from the potential blast area.

(b) No work shall be done except that necessary to remove the hazard of the misfire. Only those employees necessary to do the work shall enter the potential blast area. Only the Blaster-in-Charge, and the absolute minimum number of competent, personnel (as defined in 29 CFR 1926 Subparts Land P), necessary to assess the situation shall approach the hole to inspect the misfire.

(c) The Blaster-in-Charge shall determine the safest steps for removing the hazard of the misfire. During development and implementation of these steps, the Blaster-in-Charge shall comply with the manufacturer's recommendations. Further, the guidelines of the Safety in the Transportation, Storage, Handling and Use of Explosive Materials, IME Safety Library Publication No. 17, which is incorporated herein by reference, including any subsequent amendments and editions, shall be utilized.

(d) If there are any misfires while using safety fuse and blasting cap, all employees shall remain out of the potential blast area for at least 30 minutes. If electric detonators, shock tube, gas tube or detonating cord systems or materials were used and a misfire occurred, the waiting period may be reduced to 15 minutes. In either case, the Blaster-in-Charge shall assess the circumstances and invoke a safe waiting period before allowing any personnel to enter the potential blast area. All lines shall be carefully traced and a search made for unexploded charges.

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

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;

Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0715 UNDERWATER BLASTING

Additions and amendments to 29 CFR 1926.912 Underwater Blasting apply throughout the Rules in this Section as follows:

(a) In underwater blasting, no shot shall be fired without the approval of the Blaster-in-Charge.

(c) Only water-resistant detonators and detonating cords shall be used for all marine blasting. Loading shall be done through a nonsparking loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blast site. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired. Note: The warning signals and personnel safety provisions of 1926.909 also apply.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be in accordance with the provisions of this Standard on handling and storing explosives.

(h) Prior to firing the blast, the blaster shall determine the method(s) that will be used for detecting misfires and take preparatory steps (e.g., noting obvious indications of misfire, attaching float(s) that will be released by the firing, staging underwater cameras, or other appropriate means). Misfires shall be handled in accordance with the requirements of 1926.911.

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

13 NCAC 07F .0716 BLASTING IN EXCAVATION WORK UNDER COMPRESSED AIR

Additions and amendments to 29 CFR 1926.913 Blasting in Excavation Work Under Compressed Air apply throughout the Rules in this Section as follows:

(b) When detonators or explosives are brought into an air lock, the only employees who shall be permitted to enter the airlock are the powderman, blaster, lock tender and the employees necessary for carrying the detonators or explosives. No other material, supplies, or equipment shall be locked through with the explosives.

(d) See 1926.900(a) and 1926.901.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be IME Fume Class 1.

History Note: *Authority G.S. 95-131;*
Recodified from 13 NCAC 07F .0201 Eff. August 3, 2005;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.

SECTION .0900 - CRANES AND DERRICKS STANDARDS

13 NCAC 07F .0901 SCOPE

History Note: *Authority G.S. 95-131;*
Temporary Adoption Eff. October 1, 2009;
Eff. September 1, 2010;
Temporary Repeal Eff. November 8, 2010;
Repealed Eff. February 1, 2011.

13 NCAC 07F .0902 INCORPORATION BY REFERENCE
13 NCAC 07F .0903 DEFINITIONS
13 NCAC 07F .0904 OPERATOR QUALIFICATION AND CERTIFICATION
13 NCAC 07F .0905 SIGNAL PERSON QUALIFICATION
13 NCAC 07F .0906 MAINTENANCE AND REPAIR EMPLOYEE QUALIFICATION
13 NCAC 07F .0907 TRAINING

13 NCAC 07F .0908 FALL PROTECTION
13 NCAC 07F .0909 DESIGN, CONSTRUCTION AND TESTING
13 NCAC 07F .0910 EQUIPMENT WITH A RATED HOISTING/LIFTING CAPACITY OF 2,000 POUNDS OR LESS
13 NCAC 07F .0911 EQUIPMENT MODIFICATIONS
13 NCAC 07F .0912 ASSEMBLY AND DISASSEMBLY OF EQUIPMENT
13 NCAC 07F .0913 POWER LINE SAFETY
13 NCAC 07F .0914 WIRE ROPE
13 NCAC 07F .0915 INSPECTIONS
13 NCAC 07F .0916 OPERATION OF EQUIPMENT
13 NCAC 07F .0917 OPERATIONAL AIDS
13 NCAC 07F .0918 SAFETY DEVICES
13 NCAC 07F .0919 SIGNALS
13 NCAC 07F .0920 HOISTING PERSONNEL
13 NCAC 07F .0921 TOWER CRANES
13 NCAC 07F .0922 DERRICKS
13 NCAC 07F .0923 FLOATING CRANES/DERRICKS AND LAND CRANES/DERRICKS ON BARGES
13 NCAC 07F .0924 OVERHEAD & GANTRY CRANES
13 NCAC 07F .0925 DEDICATED PILE DRIVERS
13 NCAC 07F .0926 SIDEBOOM CRANES
13 NCAC 07F .0927 OPERATOR CERTIFICATION – WRITTEN EXAMINATION – TECHNICAL KNOWLEDGE CRITERIA

History Note: *Authority G.S. 95-13;*
Eff. October 1, 2009;
Temporary Repeal Eff. November 8, 2010;
Repealed Eff. February 1, 2011.

SUBCHAPTER 07G - HANDLING OF ANTINEOPLASTIC AGENTS

SECTION .0100 - INCORPORATED STANDARDS

13 NCAC 07G .0101 HANDLING OF ANTINEOPLASTIC AGENTS

(a) The following recommendations with respect to the handling of antineoplastic agents are incorporated by reference, including subsequent amendments and editions: The recommendations issued by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), as contained in the Alert: Preventing Occupational Exposure to Antineoplastic and Other Hazardous Drugs in Health Care Settings, as published in 2004. Copies of the 2004 NIOSH Alert and subsequent amendments may be accessed at no charge at http://www.cdc.gov/niosh/docs/2004-165/.

(b) For enforcement purposes, nothing in this Rule is intended to supersede federal regulations adopted and enforced by the North Carolina Department of Labor or state-specific rules codified in the North Carolina Administrative Code.

(c) Where the NIOSH recommendations are inconsistent with State or federal laws, regulations, or rules, compliance with the State or federal law, regulation, or rule shall be accepted in lieu of compliance with the NIOSH recommendations.

History Note: *Authority G.S. 95-156;*
Eff. June 13, 2016.