

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.*