

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1391\*

Short Title: OSHA Inspection Services.

(Public)

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Sponsors: Representatives Fitch, Barnes, Cunningham, Howard, Sam Hunt, McLaughlin, Payne, H. Hunter; Blue, Albertson, Anderson, Beard, Black, Bowen, Bowman, Brown, Buchanan, Chapin, Colton, N.J. Crawford, Dawkins, DeVane, Dial, Diamont, Easterling, Ethridge, Fletcher, Fussell, Gamble, Gist, Gottovi, Green, Greenwood, Hackney, Hardaway, Hensley, R. Hunter, Jeffus, Jordan, Justus, Kennedy, Lilley, Lineberry, Luebke, McAllister, McLawhorn, Mercer, Michaux, Miller, Nesbitt, Oldham, Redwine, Stamey, Stewart, Wainwright, Warner, Wicker, Wilson, and Withrow.

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Referred to: Courts, Justice, Constitutional Amendments and Referenda.

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May 28, 1992

A BILL TO BE ENTITLED

AN ACT TO CREATE A SPECIAL EMPHASIS PROGRAM TO TARGET OSHA INSPECTIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 16 of Chapter 95 of the General Statutes is amended by adding a new section to read:

**"§ 95-136.1. Special emphasis inspection program.**

(a) As used in this section, a 'special emphasis inspection' is an inspection by the Department's occupational safety and health division that is:

(1) Scheduled randomly and more frequently than a general schedule inspection, and

(2) Scheduled because of an employer's high frequency of violations of safety and health laws or because of an employer's high risk or high rate of work-related fatalities or work-related serious injuries or illnesses.

(b) The Department shall develop and implement a special emphasis inspection program that targets for special emphasis inspection employers who:

- 1           (1) Have a high rate of serious or willful violations of any standard, rule,  
2 order, or other requirement under this Article, or of regulations  
3 prescribed pursuant to the Federal Occupational Safety and Health Act  
4 of 1970, in a one-year period, or  
5           (2) Have a high rate of work-related deaths, or a high rate of work-related  
6 serious injuries or illnesses, in a one-year period, or  
7           (3) Are engaged in a type of industry determined by the Department to be  
8 at high risk for serious or fatal work-related injuries or illnesses, or  
9           (4) Have an experience modification rating established for workers'  
10 compensation premium rates that is significantly higher than the State  
11 average. For purposes of targeting employers under this subdivision,  
12 the Department, in consultation with the North Carolina Rate Bureau  
13 and the Commissioner of Insurance, shall set the experience  
14 modification rating threshold for determining a rating that is  
15 significantly higher than the State average.

16           To identify employers for special emphasis inspections, the Department shall use the  
17 most current data available from its own database and from other sources, including  
18 State departments, divisions, boards, commissions, and other State entities. The  
19 Department shall ensure that every employer targeted for special emphasis inspection is  
20 inspected at least one time within the two-year period following targeting of the  
21 employer by the Department. The Department shall update its special emphasis  
22 inspection records at least annually.

23           (c) The Director shall make information about the special emphasis inspection  
24 program available to all employers in the State at least 30 days prior to the date of  
25 implementation of the program.

26           (d) The Department shall, two years after the initial implementation of the special  
27 emphasis inspection program, and annually thereafter, report to the Joint Legislative  
28 Commission on Governmental Operations and the Fiscal Research Division the impact  
29 that the special emphasis inspection program is having on safety and health compliance  
30 and enforcement."

31           Sec. 2. This act is effective upon ratification. The Department shall begin  
32 the development of the special emphasis inspection program immediately upon  
33 ratification of this act. The special emphasis inspection program shall become  
34 operational not later than July 1, 1993.