

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1391*
Senate Judiciary II Committee Substitute Adopted 7/7/92

Short Title: OSHA Inspection Services.

(Public)

Sponsors:

Referred to:

May 28, 1992

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A SPECIAL EMPHASIS PROGRAM TO TARGET OSHA
3 INSPECTIONS.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 95-136.1. Special emphasis inspection program.**

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

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

15 (1) Have a high rate of serious or willful violations of any standard, rule,
16 order, or other requirement under this Article, or of regulations
17 prescribed pursuant to the Federal Occupational Safety and Health Act
18 of 1970, in a one-year period;

19 (2) Have a high rate of work-related deaths, or a high rate of work-related
20 serious injuries or illnesses, in a one-year period;

21 (3) Are engaged in a type of industry determined by the Department to be
22 at high risk for serious or fatal work-related injuries or illnesses; or

1 (4) Have an experience modification rating established for workers'
2 compensation premium rates that is significantly higher than the State
3 average. For purposes of targeting employers under this subdivision,
4 the Department, in consultation with the North Carolina Rate Bureau
5 and the Commissioner of Insurance, shall set the experience
6 modification rating threshold for determining a rating that is
7 significantly higher than the State average.

8 To identify an employer for a special emphasis inspection, the Department shall use
9 the most current data available from its own database and from other sources, including
10 State departments, divisions, boards, commissions, and other State entities. The
11 Department shall ensure that every employer targeted for a special emphasis inspection
12 is inspected at least one time within the two-year period following targeting of the
13 employer by the Department. The Department shall update its special emphasis
14 inspection records at least annually.

15 (c) The Director shall make information about the special emphasis inspection
16 program available prior to the date of implementation of the program.

17 (d) The Department shall by March 1, 1995, and annually thereafter, report to the
18 Joint Legislative Commission on Governmental Operations and the Fiscal Research
19 Division of the General Assembly on the impact of the special emphasis inspection
20 program on safety and health compliance and enforcement."

21 Sec. 2. This act is effective upon ratification. The Department shall begin
22 the development of the special emphasis inspection program immediately upon
23 ratification of this act. The special emphasis inspection program shall become
24 operational not later than July 1, 1993.