KELLER'S

INDUSTRIAL SAFETY REPORT

JANUARY 1992 VOLUME 2 NUMBER 1

FEATURED THIS MONTH

WHAT DOES OSHA HAVE PLANNED FOR THE COMING MONTHS? - What regulations will be finalized by the end of this year and what new regulations can be expected?

THE AMERICANS WITH DISABLITIES ACT - What's it all about and how might it affect you as a safety manager?

WHO IS ENFORCING HEALTH AND SAFETY STANDARDS IN NORTH CAROLINA? - What is federal OSHA doing there?

TOPICAL INDEX OF 1991 INDUSTRIAL SAFETY REPORT ARTICLES - A new feature sure to assist you in locating previous articles on topics of interest.

CONTENTS

OSHA Highlights

OSHA'S Upcoming Agenda

Twice every year, OSHA publishes an agenda of completed and anticipated actions. This agenda includes all regulations that OSHA expects to have under active consideration during the upcoming year. Highlights of the agenda published in the October 21 Federal Register follow. If OSHA has accurately estimated action dates for the listed regulations, expect a flurry of activity from the Agency over the next six months.

Prerule Stage

Ergonomic Safety and Health Standards

OSHA has recognized that ergonomically related disorders are a very serious problem in the workplace. In order to gather, review, and analyze available information in industry on individual case studies, anecdotal data, and statistical data in which ergonomic hazards have been addressed and resolved, OSHA planned to publish an Advanced Notice of Proposed Rulemaking (ANPRM) sometime in November 1991.

Crane Safety

The present crane regulations for construction, general industry, and the maritime industry rely heavily on outdated 1968 ANSI standards which are inadequate and need revision to reflect current conditions and equipment. OSHA may also consider requirements establishing additional crane installations and use provisions, including possible certification programs for crane operators and riggers. An Advanced Notice of Proposed Rulemaking (ANPRM) is expected in March 1992.

Proposed Rule Stage

Respiratory Protection

OSHA intends to update the present respiratory protection standard to take into consideration the current state-of-the-art for respiratory protection, to delete redundancies, and to eliminate or update several advisory provisions. A Notice of Proposed Rulemaking (NPRM) is scheduled for January 1992, with final action in December 1992.

Glycol Ethers

OSHA expected to issue a NPRM in October 1991 updating the permissible exposure limits for 2-methoxyethanol, 2-ethoxyethanol, and their acetates. OSHA has preliminarily concluded that occupational exposures to these glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers.

Methylene Chloride

In 1986, OSHA issued a set of guidelines for controlling occupational exposures to methylene chloride, which is a known animal carcinogen and may have the potential to cause cancer in humans. OSHA had planned to issue a NPRM on the issue in October 1991.

Cadmium

OSHA also issued guidelines in 1986 for controlling exposure to cadmium in the workplace and recommended reduced exposure levels significantly below the permissible exposure limit. A proposed rule on cadmium exposure was published in 1990. The rulemaking record was reopened for comment in September 1991. Final action on the proposal is expected in February 1992.

Injury and Illness Recordkeeping

OSHA will propose revisions to the injury and illness recordkeeping regulations, forms, and associated interpretative material in order to simplify the recordkeeping system. A NPRM is planned for December 1991.

PEL Update for Construction, Agriculture, and Maritime

In 1989, OSHA set new permissible exposure limits (PELs) for toxic substances under the general industry standards. OSHA now plans to update the old PELs for construction, maritime, and possibly agricultural sectors not covered by the general industry proceedings. A NPRM is scheduled for release in February 1992.

Reporting of Fatality or Multiple Hospitalizations

OSHA plans to revise requirements for reporting fatalities and multiple hospitalizations to provide for more timely reporting of accidents and to clarify existing requirements. A NPRM was to be published in October 1991.

Indoor Air Quality

OSHA recently issued a Request for Information on the topic of indoor air quality in order to determine the need for a standard regulating the indoor environment. The comment period ends on January 21, 1992.

Final Rule Stage

Asbestos, Tremolite, Anthophyllite and Actinolite

This current standard was issued in 1986. Since that time, a partial temporary stay of the standard was issued for nonasbestiform varieties of tremolite, anthophyllite, and actinolite which may not pose the same health risks as asbestos. Final action on the matter is expected in January 1992.

Methods of Compliance

This standard addresses the debate over engineering controls versus the use of respirators to maintain air contaminant concentrations in the workplace at or below the acceptable PELs. Final action is planned for January 1992.

Confined Space

The confined space standard, which would regulate entry into confined spaces and require certain precautions to be taken to minimize the hazards associated with confined spaces, is scheduled for final action in February 1992.

Face, Head, Eye, and Foot Protection

Current personal protective equipment standards are outdated. This proposed rule would revise criteria for personal protective equipment for the eyes, face, head, and feet to reflect improved developments in this equipment. Final action is set for December 1991.

Formaldehyde

OSHA has proposed an updated formaldehyde standard lowering the permissible exposure limit, providing medical removal protection for employees, and revising labeling requirements. Barring any additional controversy regarding these changes, the Agency had expected to finalize the standard in November 1991.

Hazard Communication

OSHA is still considering the need for improving the quality of information on MSDSs and labels and for standardizing the format of MSDS sheets. Final action in the area is scheduled for April 1992.

Bloodborne Pathogens

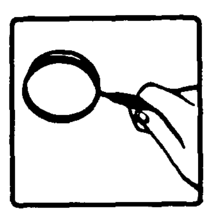
This proposed regulation was promulgated to protect health-care workers from exposure to diseases such as Hepatitis B and AIDS. The Agency had planned to finalize the rule in November 1991.

Hazardous Materials (Process Safety Management)

This standard, which will revise Subpart H, addresses the storage, handling, and use of hazardous materials. The revision will occur in three phases. The first phase will be the adoption of the Process Safety Management regulation. The next two phases will simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in general industry to better focus on the hazards inherent in the use, handling, and storage of such materials. Final action on phase one was scheduled for November 1991.

Vehicle Safety

This proposal will require employers to train their workers in the safe operation of motor vehicles on the job and will require the use of seat belts. The Agency plans to finalize the rule in January 1992.



Agency Activity

All About The Americans With Disabilities Act

What is the ADA?

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. It is a federal anti-discrimination statute designed to make both public and private entities accessible to the 43 million disabled Americans across the country. The statute prohibits

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discrimination against disabled Americans based upon their disability and places the burden for reasonably accommodating their special needs on employers, retail establishments, service entities, and others. The ultimate goal of the new law is to allow Americans with disabilities to lead productive lives by providing, in general, minor accommodations to accomplish this goal.

The Act itself is divided into five sections or titles. Each title addresses a different aspect of discrimination against the disabled. Title I addresses discrimination in employment. Title II prohibits state and local governments from discriminating in their employment policies and in the administration and delivery of their services or programs. Discrimination in places of public accommodation is banned in Title III, requiring buildings, services, and communications within buildings and facilities to be accessible to the disabled. Title IV deals with accessibility issues realtive to telecommunication services. Title V covers miscellaneous issues. Titles I and III of the new law will be of most interest to businesses and employers, because these sections will have the greatest impact on normal operations.

Title I

Title I requires that individuals with disabilities be given the same consideration for employment that individuals without disabilities are given. According to the Act, an individual who is qualified for an employment opportunity cannot be denied that opportunity because the individual is disabled. When an individual's disability creates a barrier to employment opportunities, the ADA requires employers to consider whether reasonable accommodation could remove the barrier.

Who Is Protected?

Employment discrimination is prohibited against "qualified individuals with disabilities." Persons discriminated against because they have a known association or relationship with a disabled individual also are protected. The ADA defines an "individual with a disability" as a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Who Does Title I Apply To And When?

The provisions of ADA affecting employment practices apply to private employers, employment agencies, and labor unions. The regulation becomes effective on July 26, 1992, for those employers with 25 or more employees. By July 26, 1994, all employers with 15 or more employees will need to comply.

What Does Title I Require?

Title I of ADA contains a general discriminatory provision prohibiting discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, social and recreational activities, and all other employment-related activities.

The regulation then continues on by prohibiting several specific forms of discrimination that are included within the general prohibition outlined above. Specific forms of discrimination prohibited include:

- *Limiting, Segregating, and Classifying* Covered entities are prohibited from restricting the employment opportunities of qualified individuals with disabilities on the basis of stereotypes and myths about the individual's disability. The capabilities of qualified individuals with disabilities must be determined on an individualized case by case basis. Employers also may not segregate qualified employees with disabilities into separate work areas or into separate lines of advancement.

- *Contractual Arrangements* An employer or covered entity may not enter into a contractual relationship which has the effect of discriminating against employees or applicants with disabilities.

- *Relationships or Associations with an Individual with a Disability* This provision prevents discrimination against any qualified individual, whether or not the individ-

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ual has a disability, because the person is known to have an association or relationship with an individual with a disability. This would apply to situations where a spouse may be disabled or where the applicant or employee simply does volunteer work with people who are disabled.

- *Not Making Reasonable Accommodation* It is unlawful for an employer not to make reasonable accommodations for an otherwise qualified individual with a disability, unless the accommodation would impose an undue hardship on the operation of the business. Also, an employer may not deny employment opportunities to an otherwise qualified applicant or employee with a disability simply because a reasonable accommodation would need to be made for the person.
- *Qualification Standards, Tests, and Other Selection Criteria* Qualification standards, tests, or other job criteria that unintentionally screen out, or tend to screen out, individuals with a disability or a class of individuals with a disability may not be used unless it can be demonstrated that the standards, tests, or criteria are job-related and consistent with business necessity.
- *Administration of Tests* Employment tests administered to applicants or employees with disabilities must be administered in such a way that the test results accurately reflect the skills, aptitude, or other factors being measured by the test, rather than reflecting the impaired skills of the disabled individual. For example, an employer may need to administer an oral test rather than a written test to an individual who is dyslexic and cannot read.
- *Medical Examinations and Inquiries* Except under limited circumstances, it is unlawful for an employer to conduct or require a medical examination of an applicant or employee or to make inquiries as to whether the applicant or employee has a disability or as to the nature or severity of the disability. Exceptions to the prohibition include:

- An employer may make pre-employment inquiries into the ability of an applicant to perform job-related functions and ask the applicant to demonstrate how the job would be performed with or without reasonable accommodation.
- A job offer may be conditioned on the results of a medical examination, provided the examination is required for all entering employees in the same job category regardless of disability and provided that the information obtained is handled confidentially as required by the law.
- After an employee enters on duty, an exam that is job-related and consistent with business necessity may be required of an employee.
- Voluntary medical examinations and activities which are part of an employee health program available to employees at the work site may be conducted.

Title III

Title III requires places of public accommodation to make their facilities and services accessible to the disabled. Title III specifies that the disabled must have access to the same services, privileges, advantages, and accommodations as those who are not disabled.

Who Does Title III Apply To and When?

Under ADA a public accommodation is any private entity affecting commerce. Therefore, the ADA public accommodation requirements of Title III extend to a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers. The public accommodation provisions become effective July 26, 1992. At that time, the accommodations made must be fully useable and not under construction.

What Does Title III Require?

Title III provides that places of public accommodation must make reasonable modifications to their policies, practices, and procedures to allow access to the disabled. Modifications that would functionally alter the nature of the services provided by the public accommodation are not required. Under Title III, structural barriers in existing facilities of public accommodations must be removed when it is readily achievable to do so. When alterations that could affect the usability of an existing facility are made, the alterations must be made in an accessible manner to the maximum extent feasible. For example, if during renovations a doorway is being relocated, the new doorway must be wide enough to meet the new construction standard for accessibility.

When barrier removal is not readily achievable, alternative steps may be taken to address accessibility. Alternatives may include such measures as in-store assistance for removing articles from high shelves, home delivery of groceries, or coming to the door to receive or return dry cleaning.

Finally, Title III requires that all new construction of places of public accommodation, as well as of "commercial facilities" such as office buildings, be accessible. Every feature of a new facility need not be accessible, only a reasonable number of elements such as parking spaces and bathrooms must be accessible in order for a facility to be "readily accessible."

How Will ADA Affect Safety Managers?

While ADA will be of most concern to personnel departments and human resource professionals, safety professionals should also be aware of its requirements since it may have implications for them in their jobs. There are three basic areas where ADA may have some affect upon safety departments.

First, safety staff may be asked to be involved in making a reasonable accommodation for a disabled employee or applicant in the workplace. Reasonable accommodations may be as easy as elevating a work station or providing a box for standing. Others may involve a modification of the tools or personal protective equipment used in a particular job. Some accommodations may be more extensive and involve modification of facilities to enable an individual to perform essential job functions and to have equal opportunities to participate in other employment-related activities. Safety managers may wish to be involved in the accommodation process because there may be some safety or ergonomic considerations involved.

Second, the requirements of ADA may require safety managers to make changes to safety and training programs to accommodate employees with disabilities. For example, training materials and tests may need to be modified to accommodate a blind worker. If the room normally used for training workers is inaccessible to some disabled workers, modifications may be required or alternative arrrangements may need to be made.

Finally, the limitation on medical exams that can be conducted may affect the safety department's ability to continue any pre-screening programs in the safety area. Some companies, for example, have been pre-screening employees to determine back strength or to determine the likelihood of an employee being afflicted with carpal tunnel syndrome. These types of activities may now be limited as a result of the new law.

Drug testing, however, is not prohibited by ADA. In fact, individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of a "qualified individual with a disability" protected by the ADA when an action is taken on the basis of their drug use. A test for illegal drugs is not considered a medical examination under the ADA; therefore, employers may conduct such testing of applicants or employees and make employment decisions based on the results.

Additional Information

For more specific information about ADA requirements affecting public services and public accommodations, contact:

Office on the Americans with
Disabilities Act
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, D.C. 20035-6118
(202)514-0301
(202)514-0381
(202)514-0383

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For more specific information about ADA requirements affecting employment contact:

Equal Employment Opportunity Commission
1801 L Street NW
Washington, D.C. 20507
(205)663-4900
800-800-3302
(202)663-4494

Paper Mills Must Examine Spreading Sludge Contaminated with Dioxins and Furans

EPA has proposed a rule to control the land application of sludge from pulp and paper mills that use chlorine or chlorine-derivative bleaching processes. This sludge is generally comtaminated with dioxins and furans, principally 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) and 2,3,7,8-tetrachlorodibenzofuran (TCDF).

In proposing the rule, the agency is seeking to minimize the hazards to wildlife from TCDD and TCDF. Even in small amounts and at low concentrations, TCDD can cause reproductive damage to animals, and EPA has classified it as a probable human carcinogen. TCDF is also a highly toxic chemical.

TCDD and TCDF, as well as other dioxins and furans found in paper mill sludge, are byproducts of the chlorine-bleaching processes used by 104 of the pulp and paper mills in the United States. Sludge is the solid material that settles out during the treatment of process wastewater. Sludge from 12 of the mills is spread on land to dispose of it and to utilize its soil-conditioning properties. The sludge is also used for revegetation at strip mines and at other land reclamation sites.

The proposed rule would set the maximum allowable dioxin and furan concentration in soil at 10 parts per trillion following the land application of paper mill sludge. Under the proposed rule, the mills generating the sludge would be responsible for measuring the soil concentration prior to application and for ensuring that the post-application soil concentration would not exceed the 10 parts per trillion limit. The mills would also be responsible for maintaining all records of land application activities, regardless of who owns the land or who applies the sludge. At least 45 days prior to applying sludge at a given site, the mill would be required to file notice with the appropriate EPA regional office identifying the location of the site, the TCDD and TCDF concentration in soil at the site, and amount of sludge to be applied, and the TCDD and TCDF concentration in the sludge. EPA proposed the rule on May 10, 1991, under section 6(a) of the Toxic Substances Control Act (TSCA).

Community Right To Know

Form R to Include Pollution Prevention Information

Pursuant to the requirements of the Pollution Prevention Act of 1990, EPA is proposing to add several data elements to the current Toxic Chemical Release Inventory (TRI) reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Section 313 requires owners or operators of certain facilities that manufacture, import, process, or otherwise use listed toxic chemicals to report annually on their releases of these chemicals to each environmental medium. EPA's proposed rule would incorporate into existing regulations the source reduction and recycling information specified in the Pollution Prevention Act that all facilities subject to reporting under section 313 must provide beginning in the 1991 reporting (calendar) year. The information required includes:

- the quantity of the chemical (prior to recycling, treatment, or disposal) entering any wastestream or released to the environment;
- the quantities of the chemical recycled at the facility and elsewhere;
- the quantities of the chemical treated at the facility and elsewhere;
- information on source reduction activities and the methods used to identify

those activities;

- the quantities of the chemical released in one-time events not associated with production processes;
- the quantities of the chemical expected to enter any wastestream or be recycled in future years; and
- a production ratio or activity index for the reported chemical.

The proposed rule also includes limited cross-referencing and other information to aid in understanding the results of source reduction and recycling activities and to coordinate federal data collection activities.

EPA is requesting comments on the revised sections of Form R, which would be the mechanism for collecting these data elements, and on the instructions for completing the revised sections of Form R.

Additional information regarding the proposed changes to the Form R will be discussed in next month's *Industrial Safety Report.*

Penalties Reduced For Two Companies Submitting Late TRI Reports

Companies that report toxic emissions to EPA after the deadline for Toxics Release Inventory (TRI) reporting has passed should not be held liable for failure to report, even when an inspection by EPA appears to have impelled the submittal, according to two rulings by EPA administrative judges.

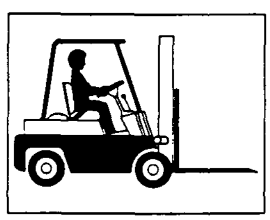
EPA had sought a $15,000 penalty against Pease and Curren, a Rhode Island metals recovery firm, under the agency's Emergency Planning and Community Right-to-Know Act (EPCRA) enforcement policy, which states that a late report submitted by a facility after contact by EPA should be treated as a failure to report. Pease and Curren submitted the TRI report after an inspection by EPA revealed that it had not been filed. At that point, the TRI report was 13 months past the reporting deadline.

EPA Chief Administrative Law Judge Henry B. Frazier III reduced the penalty to $9,000 for late filing, saying the EPCRA penalty policy is "arbitrary and opposed to the expressed interest in arriving at civil penalties in a fair, uniform, and consistent manner."

In the case of CBI Services, Inc., of Illinois, EPA had sought a fine of $125,000 against the company for its failure to file TRI reports. The company had filed the reports more than 180 days after the reporting deadline was passed and three months after the company had been inspected for EPCRA compliance. Ruling that EPA's penalty policy was arbitrary, Administrative Law Judge J.F. Greene reduced the fine to $99,000 for filing a late TRI report.

The decisions in these cases supported an earlier case against Riverside Furniture Corporation, of Arkansas, in which EPA's policy of characterizing a report made after an inspection as a failure to report, rather than a late report, was judged to be arbitrary.

In all three cases, however, the judges affirmed the significance of TRI reporting. Writing in the Riverside case, the administrative law judge stated that "the success of EPCRA can be attained only through voluntary, strict, and comprehensive compliance with the act and regulations ... and a lack of such compliance will weaken, if not defeat, the purposes expressed [in the act]."



Safety Matters

Safety Necessary On the Docks

Loading docks are commonplace in most facilities. No matter what type of work is performed at your facility, there is almost always a need to have an area where supplies can be easily dropped off or loaded for transport. As familiar as loading docks are, however, few people are aware that they are the site of numerous workplace accidents and injuries.

Accidents and injuries in the loading dock area can occur when:

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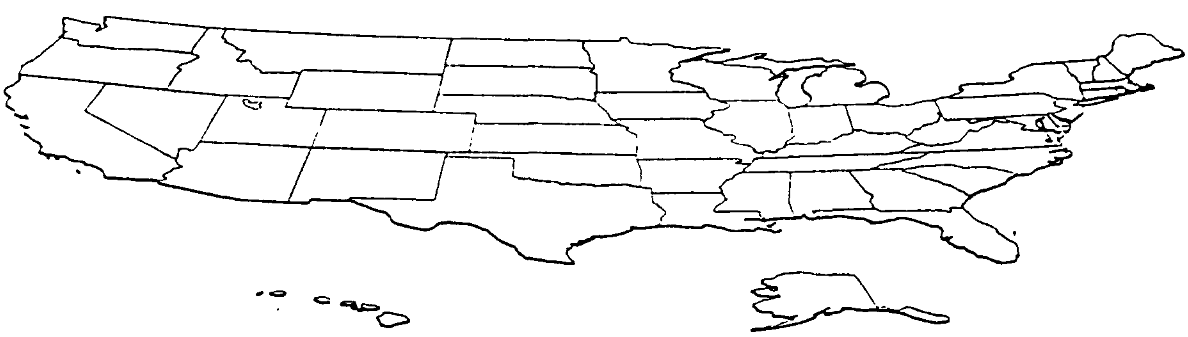
- Containers being loaded or unloaded leak or a chemical spill occurs;
- Trucks roll away or are driven away from the docks before loading or unloading is completed;
- Dangerous levels of carbon monoxide are present in the dock area; or
- Forklifts collide with freight handlers or other pedestrians in the area.

In order to prevent serious injuries in the dock area, workers and employers can take several precautions. First, good housekeeping in the loading dock area is important. Avoid storing materials in the shipping and receiving area in a manner that prevents forklift operators and pedestrians from seeing each other. Clean up any spills or leaks as soon as they occur. This will help prevent chemical exposures, as well as unnecessary slips and falls. A spill control station is handy to have in the area and workers should be trained in proper cleanup procedures when a spill or leak occurs.

Many serious accidents occur when the truck being loaded or unloaded becomes separated from the loading dock area, leaving room for a forklift to fall to the ground. Separation may occur because of miscommunication with the driver of the truck who may pull away too soon or because the motion of the forklift causes the vehicle to inch away from the dock. These accidents can be prevented by requiring wheel chocks to be placed under the front tires of the vehicle being loaded or unloaded and by requiring the brakes of the vehicle or trailer to be set. Other restraint devices that attach to the ICC bar or underride guard on the back of the truck may also be helpful. A red and green light signal system attached to the outside wall of the loading area may help prevent miscommunication between drivers and loaders.

Carbon monoxide from the exhaust fumes of both the forklifts and trucks in the dock area can be an invisible hazard to workers. Carbon monoxide is a colorless, odorless, tasteless gas that is dangerous because it interferes with the oxygen carrying capacity of the blood, causing dizziness, drowsiness, nausea, collapse, and potentially death. Carbon monoxide poisoning can be prevented through proper ventilation and monitoring of the area. OSHA has set permissible exposure limits for carbon monoxide gas in the workplace.

State Activity



CALIFORNIA

California Legislation Introduced To Ease Effects of S.B. 198

Senator Bill Greene, sponsor of the infamous S.B. 198 which requires employers to establish a written injury and illness prevention program, has introduced additional legislation to ease the burden of S.B. 198 on employers. Senate Bill 496, as amended, would:

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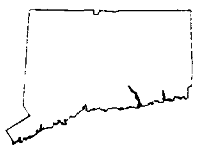
- Suspend the assessment of civil penalties for certain violations of injury and illness prevention program standards until October of 1992;
- Require the Cal/OSHA Consultation Service to aid certain specified hazardous industries in the development of a model injury and illness prevention program; and
- Establish a process to address petitions for modification of injury and illness prevention programs to deal with temporary, intermittent, or seasonal employment situations.

Senate Bill 496 is currently being reviewed by the Labor and Employment Committee in the Assembly. The legislation is likely to be enacted.



CONNECTICUT

Connecticut Requires Contractor Safety Information

In an effort to ensure that contractors working on state construction projects are abiding by state and federal safety requirements, the state of Connecticut will now require safety compliance information to be submitted with bids for state projects and applications for licenses. The policy change is an apparent reaction to recent fatalities that have occurred on state construction projects.

The Departments of Transportation and Public Works will be revising their documentation requirements for submitting bids on public works projects in the state by requiring contractors to include any reports of OSHA inspections for the last five years. This includes investigations that occurred following a work site fatality. Similar information will be required from any contractor wishing to obtain a license in the state.

LOUISIANA

Louisiana Adopts Rules For Environmentally-Based Tax Exemptions

The Department of Economic Development in Louisiana recently adopted a rule establishing environmental criteria for rating business tax exemptions. The formulas established in the rule will be used to calculate an environmental review score. The tax relief that a company will be eligible for will depend upon their environmental review score. As outlined in the rule, a company receiving an environmental review score of 60, for example, would be eligible for 60 percent of the tax relief applied for.

Under the system, every facility begins with 50 points. Point deductions are then made based upon the facility's environmental compliance record beginning January 1, 1990. After January 1, 1995, a five year compliance history will be considered in the calculation, with greater deductions for more recent violations. Violations which are voluntarily settled receive only half of the deductions of non-settled penalties.

In addition, each facility is eligible for points in the system based upon the amount of emissions at the facility per job. Emissions considered include releases of toxic substances under the Toxics Release Inventory, emissions of criteria air pollutants under the Clean Air Act, and accidental toxic releases. The lower the amount (in pounds) of emissions per job at the facility, the more points for which a facility is eligible.

Finally, there are several bonus point categories for which a facility could be eligible. Bonus points may be awarded for successful emission reduction plans for overall emissions or hazardous and solid waste emissions. Bonus points may also be awarded if the facil-

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ity uses recycled materials in production operations, if the facility creates new jobs in high unemployment areas, or if the industry diversifies the state economy.

NORTH CAROLINA

Joint Federal/State Enforcement of Job Safety and Health Rules In North Carolina

On October 23, 1991, U.S. Secretary of Labor Lynn Martin announced joint federal and state enforcement of job safety and health rules in North Carolina, effective immediately.

According to Secretary Martin, the Labor Department's Occupational Safety and Health Administration (OSHA) is taking this action to respond to the state's request for aid to help safeguard North Carolina's employees.

OSHA's action follows a disastrous September 3 fire in a poultry plant in Hamlet, North Carolina which took the lives of 25 workers and which resulted in a review of the North Carolina state plan and all state OSHA programs.

The Secretary said that as of October 24, federal compliance officers in North Carolina will respond directly to workplace complaints and to other referrals brought to OSHA's attention. Federal OSHA will also respond to complaints lodged with North Carolina Governor James Martin's emergency hotline. Two federal safety inspectors and two federal health inspectors have been detailed to OSHA's Raleigh, North Carolina area office to handle the enforcement effort. Additional staff will be added to bring the total number of federal inspectors in the state to 14.

OSHA already has reached an agreement with North Carolina under which federal OSHA will handle all backlogged and new allegations of discrimination against workers who have lodged safety and health complaints. Two federal investigators have been assigned to North Carolina to accomplish this.

The assistance OSHA will furnish under joint enforcement will help North Carolina to devote its resources to pending complaints, to the investigation at Hamlet and other recent fatality investigations, and to instituting some level of targeted high hazard safety and health inspections.

North Carolina is one of twenty-five States and territories operating an OSHA-approved occupational safety and health program. As a result of the Hamlet fire, at the direction of Secretary Martin, OSHA will reexamine all OSHA-approved state plans by early next year. A comprehensive evaluation of the North Carolina plan is scheduled to be completed by early January 1992 and the other 22 states by the end of January.

In addition, the AFL-CIO has petitioned OSHA to withdraw approval of the North Carolina plan. The AFL-CIO petition was published in the FEDERAL REGISTER for comment on September 30, 1991. The comment period ends on December 30, 1991.

Any worker complaint for worksites in North Carolina now also may be filed with Federal OSHA at the following locations:

OSHA Atlanta Regional Office
U.S. Department of Labor/OSHA
1375 Peachtree Street N.E., Suite 587
Atlanta, Georgia 30367
Telephone: (404) 347-3573

OSHA Raleigh Area Office
U.S. Department of Labor/OSHA
Century Station
300 Fayetteville Mall, Room 104
Raleigh, North Carolina 27601
Telephone: (919) 856-4770

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