

G.S. 150B-21.3A Report for 24 NCAC 03, Occupational Safety and Health Review Commission

Agency - Occupational Safety and Health Review Commission

Comment Period - June 15, 2024 - September 15, 2024

Date Submitted to APO - November 26, 2024

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0100 - GENERAL PROVISIONS	24 NCAC 03 .0101	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0102	SCOPE OF RULES: APPLICABILITY OF NORTH CAROLINA RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0103	USE OF GENDER AND NUMBER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0104	COMPUTATION OF TIME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0105	EXTENSIONS OF TIME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0106	RECORD ADDRESS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0107	SERVICE AND NOTICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0108	FILING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0109	CONSOLIDATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0110	SEVERANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0111	PROTECTION OF TRADE SECRETS: CONFIDENTIAL INFORMATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	SECTION .0200 - PARTIES AND REPRESENTATIVES	24 NCAC 03 .0201	PARTY STATUS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0202	INTERVENTION: APPEARANCE BY NON-PARTIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0203	REPRESENTATION OF PARTIES AND INTERVENORS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 - PLEADINGS AND MOTIONS	24 NCAC 03 .0301	FORM	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0302	CAPTION: TITLES OF CASES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0303	CITATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0304	COMPLAINT AND ANSWER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0305	PETITION FOR MODIFICATION OF ABATEMENT PERIOD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		24 NCAC 03 .0306	EMPLOYEE OBJECTIONS TO PERIODS OF ABATEMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0307	STATEMENT OF POSITION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0308	MOTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0309	FAILURE TO OBEY RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 - PRE-HEARING PROCEDURES AND DISCOVERY	24 NCAC 03 .0401	WITHDRAWALS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0402	PRE-HEARING CONFERENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0403	REQUEST FOR ADMISSIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0404	DISCOVERY DEPOSITIONS AND INTERROGATORIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0405	FAILURE TO COMPLY WITH ORDERS FOR DISCOVERY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0406	SUBPOENAS ISSUED- MODIFY SUBPOENAS: INSPECT AND COPY DATA	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0500 - HEARINGS	24 NCAC 03 .0501	NOTICE OF HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0502	POSTPONEMENT OF HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0503	FAILURE TO APPEAR	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0504	PAYMENT OF FEES AND MILEAGE TO WITNESSES: COURT REPORTERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0505	COURT REPORTERS: FEES: COST OF TRANSCRIPT OF TESTIMONY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0506	TRANSCRIPT OF TESTIMONY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0507	DUTIES AND POWERS OF BOARD AND HEARING EXAMINER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0508	DISQUALIFICATION OF MEMBER OF BOARD OR HEARING EXAMINER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0509	EXAMINATION OF WITNESSES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		24 NCAC 03 .0510	AFFIDAVITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0511	GENERAL PROCEDURES: DEPOSITIONS IN LIEU OF ORAL TESTIMONY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0512	EXHIBITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0513	RULES OF EVIDENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0514	BURDEN OF PROOF	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0515	OBJECTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0516	FILING OF BRIEF: ORAL ARGUMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0600 - POST HEARING PROCEDURES	24 NCAC 03 .0601	DECISIONS OF HEARING EXAMINER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0602	REVIEW: BRIEFS FOR REVIEW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0603	STAY OF FINAL ORDER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0604	ORAL ARGUMENT BEFORE THE BOARD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0605	JUDICIAL REVIEW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0700 - MISCELLANEOUS PROVISIONS	24 NCAC 03 .0701	SETTLEMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0702	EXPEDITED PROCEEDING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0703	STANDARDS OF CONDUCT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0704	EX PARTE COMMUNICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0705	RESTRICTION ON PARTICIPATION BY COMMISSIONER AND BOARD MEMBERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0706	INSPECTION AND REPRODUCTION OF DOCUMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0707	RESTRICTIONS WITH RESPECT TO FORMER EMPLOYEES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		24 NCAC 03 .0708	ADOPTION OF RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0709	CONSTRUCTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		24 NCAC 03 .0710	PENALTIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt