

Burgos, Alexander N

From: Peaslee, William W
Sent: Wednesday, November 27, 2024 9:40 AM
To: Cramer, Jill
Cc: Burgos, Alexander N
Subject: RE: 13 NCAC 07F. 0101

I don't think that will be a problem.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Tuesday, November 26, 2024 7:19 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Subject: RE: 13 NCAC 07F. 0101

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison

Bill

We are under a federal requirement that the Hazard Communication federal amendment be adopted by 11/19/24, which has already passed. Federal OSHA gives us some leeway because we are in the rulemaking process, but they have made it clear that they prefer the rule be adopted as expeditiously as possible. I noted in the discussion today that the December meeting maybe cut short. I would greatly appreciate it if this NCDOL rule could be put forth to the Commission and not wait until January.

Thank you for your consideration.

Jill F. Cramer
General Counsel
NC Department of Labor
Direct: 919-707-7710
Main Legal Affairs: 919-707-7713

Mailing Address:

1101 Mail Service Center
Raleigh, NC 27699-1101
jill.cramer@labor.nc.gov

Please visit our website at www.labor.nc.gov

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If you have received this message in error, please notify the sender immediately by telephone or by electronic mail, and delete this message.

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, November 22, 2024 3:32 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cramer, Jill <jill.cramer@labor.nc.gov>
Subject: FW: 13 NCAC 07F. 0101

Good afternoon,

It is my intention to recommend approval of the above captioned rule as revised and attached hereto at the December 2024 Rules Review Commission meeting.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
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Bill.Peaslee@oah.nc.gov

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From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Friday, November 22, 2024 2:24 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R

<sophie.plott@labor.nc.gov>

Subject: 13 NCAC 07F. 0101

Pursuant to your request, please find attached the corrected 13 NCAC 07F. 0101 along with another copy of the form Submission for Permanent Rule for 13 NCAC 07F .0101 – General Industry.

The corrected rule is attached in Word format.

Please let me know if you need anything further. Thank you.

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Burgos, Alexander N

Subject: FW: 13 NCAC 07F. 0101
Attachments: 13 NCAC 07F .0101.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, November 22, 2024 3:32 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cramer, Jill <jill.cramer@labor.nc.gov>
Subject: FW: 13 NCAC 07F. 0101

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Burgos, Alexander N

Subject: FW: 13 NCAC 07F. 0101
Attachments: 13 NCAC 07F .0101.docx; Submission for Permanent Rule 13 NCAC 07F .0101 General Industry.pdf

From: Cramer, Jill <jill.cramer@labor.nc.gov>
Sent: Friday, November 22, 2024 2:24 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>; Plott, Sophie R <sophie.plott@labor.nc.gov>
Subject: 13 NCAC 07F. 0101

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1 13 NCAC 07F.0101 is amended as published in 39:05 NCR 210 - 211 as follows:

2
3 **SUBCHAPTER 07F - STANDARDS**

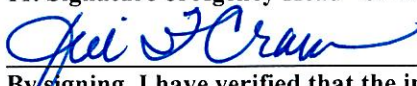
4
5 **SECTION .0100 - GENERAL INDUSTRY STANDARDS**

6
7 **13 NCAC 07F .0101 GENERAL INDUSTRY**

8 The provisions for the Occupational Safety and Health Standards for General Industry, Title 29 of the Code of Federal
9 Regulations Part 1910 promulgated as of ~~June 1, 2022~~; July 1, 2024; October 10, 2024; and exclusive of subsequent
10 amendments, are incorporated by reference except as modified or amended in 13 NCAC 07F .0103 ~~through .0106~~.

11
12 *History Note: Authority G.S. 95-131; 95-133; 150B-21.6;*
13 *Eff. August 2, 1993;*
14 *Temporary Amendment Eff. August 16, 1993, for a period of 180 days or until the permanent rule*
15 *becomes effective, whichever is sooner;*
16 *Amended Eff. April 1, 1996; January 1, 1996; September 6, 1995; April 1, 1995;*
17 *Temporary Amendment Eff. April 1, 1996;*
18 *Amended Eff. September 1, 1996; June 3, 1996;*
19 *Temporary Amendment Expired January 26, 1997;*
20 *Amended Eff. August 13, 2007; November 22, 2006; May 30, 2006; November 14, 2005; April 14,*
21 *2005; September 17, 2004; June 30, 2004; September 4, 2003; July 1, 2003; October 1, 2001;*
22 *November 14, 2000; September 3, 1999; February 22, 1999; October 8, 1998; July 1, 1998; April*
23 *8, 1998; October 15, 1997; March 7, 1997; February 28, 1997; February 11, 1997;*
24 *Recodified Items (1) - (4) to Rules .0103 - .0106 Eff. December 17, 2007;*
25 *Amended Eff. October 8, 2014; November 18, 2013; June 18, 2013; February 5, 2013; June 11,*
26 *2012; October 31, 2011; July 1, 2010; November 12, 2009; October 15, 2009; April 23, 2009; April*
27 *17, 2008; February 13, 2008;*
28 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*
29 *2016;*
30 *Amended Eff. January 8, 2021; September 23, 2020; April 10, 2020; February 14, 2020; October*
31 *7, 2019; June 3, 2019; December 12, 2018; November 7, 2018; July 1, 2017; May 1, 2017;*
32 *September 2, 2016; April 22, 2016;*
33 *Amended Eff. July 21, 2021 as an emergency temporary standard;*
34 *Amended Eff. March 4, 2022 (expiration of emergency temporary standard);*
35 *Amended Eff. January 1, 2025; September 1, 2022.*
36

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Department of Labor	
2. Rule citation & name (name not required for repeal): 13 NCAC 07F .0101 General Industry	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 9/3/2024 Link to Agency notice: https://www.labor.nc.gov/rules-and-regulations-rulemaking-actions Hearing on: 9/19/2024 <input checked="" type="checkbox"/> The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: 11/5/2024 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input checked="" type="checkbox"/> Federal regulation / cite: 29 CFR 1902.4 & 1953.5 </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div> 9B. Explain: The Department of Labor's (NCDOL) Occupational Safety and Health Division (OSH Division) operates a State Plan program that is approved by federal OSHA; the State Plan covers most private sector workers and all state and local government workers. Pursuant to the NCDOL OSH Program's status as a federal OSHA-approved State Plan, NCDOL must either adopt a federal OSHA standard within six (6) months of the promulgation of a federal standard or an amendment to an existing federal standard pursuant to 29 CFR 1953 or adopt a state-specific standard that is at least as effective as the federal OSHA standard.	
10. Rulemaking Coordinator: Jill F. Cramer Phone: 919-707-7710 E-Mail: jill.cramer@labor.nc.gov Additional agency contact, if any: Carla Rose Phone: 919-707-7712 E-Mail: carla.rose@labor.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jill F. Cramer Title: Rulemaking Coordinator / General Counsel
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, November 22, 2024 11:49 AM
To: Cramer, Jill
Cc: Burgos, Alexander N
Subject: 13 NCAC 07F .0101
Attachments: 2024.12 13 NCAC 07F .0101 Request for Technical Change.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

Attached please find the request for changes on the above captioned which will be considered by the Rules Review Commission at its December meeting.

As always if you have any questions please feel free to contact me.

Have a happy Thanksgiving.

William W. Peaslee
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