

Burgos, Alexander N

Subject: FW: Revised Rule: 13 NCAC 07F .0201
Attachments: 13 NCAC 07F .0201.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, June 6, 2025 3:13 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Subject: FW: Revised Rule: 13 NCAC 07F .0201

Attached please find the final DOL rule for consideration at the RRC June meeting.

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

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

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Burgos, Alexander N

From: Rose, Carla
Sent: Friday, June 6, 2025 3:05 PM
To: Rules, Oah
Cc: Peaslee, William W; Burgos, Alexander N; Jackson, Barbara; Plott, Sophie R
Subject: Revised Rule: 13 NCAC 07F .0201
Attachments: 13 NCAC 07F .0201.docx

Attached is our revised rule 13 NCAC 07F .0201 in response to Mr. Peaslee's Request for Changes and our recent communications with him.

Please confirm receipt.

Let us know if you have any questions.

Thank you.

*Carla D. Rose, NCCP
Paralegal
N.C. Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, NC 27699-1101
919-707-7712 Direct
919-707-7713 Main*

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1 13 NCAC 07F .0201 is amended as published in 39:17 NCR 1109 follows:

2
3 **13 NCAC 07F .0201 CONSTRUCTION**

4 The provisions for the Occupational Safety and Health Standards for Construction, Title 29 of the Code of Federal
5 Regulations Part 1926 promulgated as of June 30, 2022, January 1, 2025, and exclusive of subsequent amendments,
6 are incorporated by reference except as modified or amended in 13 NCAC 07F .0202 through .0207. Copies of Title
7 29 of the Code of Federal Regulations Part 1926 are available at no cost at the following websites:
8 <https://www.labor.nc.gov/29-cfr-part-1926-construction-standards> and <https://www.ecfr.gov/on/2025-01-01/title-29>.
9

10 *History Note: Authority G.S. 95-131; ~~150B-21.6~~;*

11 *Eff. August 2, 1993;*

12 *Amended Eff. April 14, 2005; March 14, 2005; September 17, 2004; July 1, 2003; December 11,*

13 *2002; August 1, 2002; January 18, 2002; September 1, 2000; February 22, 1999; October 8,*

14 *1998; July 1, 1998; April 8, 1998; March 7, 1997; February 11, 1997; September 1, 1996;*

15 *February 1, 1996; January 1, 1996; October 1, 1995; September 6, 1995;*

16 *Item (5): Subpart U-Blasting and Use of Explosives, was recodified to Rules - .0701-.0716 Eff.*

17 *August 3, 2005;*

18 *Amended Eff. November 22, 2006; August 24, 2006; May 30, 2006;*

19 *Recodified Items (1) - (6) to Rules .0202 - .0207 Eff. December 17, 2007;*

20 *Amended Eff. October 2, 2015; November 20, 2014; October 8, 2014; November 18, 2013;*

21 *November 8, 2013; June 18, 2013; February 5, 2013; June 11, 2012; October 31, 2011; November*

22 *8, 2010; August 19, 2010; July 1, 2010; April 23, 2009; February 13, 2008;*

23 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1,*

24 *2016;*

25 *Amended Eff. July 1, 2025; September 1, 2022; March 8, 2021; February 1, 2021; September 23,*

26 *2020; February 14, 2020; October 7, 2019; May 3, 2019; May 1, 2018; July 1, 2017; September*

27 *2, 2016*

Burgos, Alexander N

Subject: FW: RFC 13 NCAC 07F .0201

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Friday, June 6, 2025 12:49 PM

To: Plott, Sophie R <sophie.plott@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>; Jackson, Barbara <barbara.jackson@labor.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: RFC 13 NCAC 07F .0201

Good afternoon and thank you for your email,

After consultation with the Codifier of Rules, the preferred method of citing a webpage would be to write out the address of the page to where the text-to-be incorporated can be read. In other words, the longer version.

Regarding the exclusion of G.S. 150B-21.6, technically the statute does not authorize your specific agency but rather all agencies. Its exclusion is fine but I suspect its inclusion would not be objectionable.

Have a great weekend.

Bill

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

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Burgos, Alexander N

Subject: FW: RFC 13 NCAC 07F .0201
Attachments: Updated 13 NCAC 07F .0201 option 1.docx; Updated 13 NCAC 07F .0201 option 2.docx

From: Plott, Sophie R <sophie.plott@labor.nc.gov>
Sent: Thursday, June 5, 2025 2:51 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>; Jackson, Barbara <barbara.jackson@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RFC 13 NCAC 07F .0201

Mr. Peaslee,

Thank you for your email, please see two retyped rule options. We would like to know if you have any insight on which would be preferable in addressing your changes.

Line 5: The rule provides two dates on which Title 29 was adopted. As published "June 30, 2022" was stricken. As submitted to the RRC, it is not. Which is it?

It should be January 1, 2025. It appears that there was a typo on our end and while our Notice of Text had struck through this, it was overlooked when we submitted for review to the Rules Commission. Thank you for bringing this to our attention.

Lines 4-6: The rule fails to specify where copies of the incorporated material can be obtained and the cost, on the date the rule was adopted, of a copy of the material, as required by G.S. 150B-21.6.

We added in the hyperlink. We are unsure if this link must be fully typed out or if a hotlink is permissible. This is the main difference between our Option 1 and Option 2.

Additionally, we also noticed that in the History Note 150B-21.6 had been struck through. Could you advise whether or not this is correct? We believe that this was made in error and have updated on both our options.

Thank you for your insights. We are available to schedule a call tomorrow, at your availability, if it is easier to talk through.

Sincerely,

Sophie R. Plott
Deputy General Counsel
NC Department of Labor
Direct: 919-707-7711
Main Legal Affairs: 919-707-7713

Mailing Address:
1101 Mail Service Center

Raleigh, NC 27699-1101
sophie.plott@labor.nc.gov

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7 29 of the Code of Federal Regulations Part 1926 are available at no cost at the following websites: 29 CFR Part
8 1926 - Construction Standards | NC DOL and eCFR :: Title 29 of the CFR (Jan. 1, 2025) -- Labor

9
10 *History Note:* Authority G.S. 95-131; 150B-21.6;
11 *Eff. August 2, 1993;*
12 *Amended Eff. April 14, 2005; March 14, 2005; September 17, 2004; July 1, 2003; December 11,*
13 *2002; August 1, 2002; January 18, 2002; September 1, 2000; February 22, 1999; October 8,*
14 *1998; July 1, 1998; April 8, 1998; March 7, 1997; February 11, 1997; September 1, 1996;*
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21 *November 8, 2013; June 18, 2013; February 5, 2013; June 11, 2012; October 31, 2011; November*
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7 29 of the Code of Federal Regulations Part 1926 are available at no cost at the following websites:
8 <https://www.labor.nc.gov/29-cfr-part-1926-construction-standards> and <https://www.ecfr.gov/on/2025-01-01/title-29>.

9
10 *History Note: Authority G.S. 95-131; 150B-21.6;*
11 *Eff. August 2, 1993;*
12 *Amended Eff. April 14, 2005; March 14, 2005; September 17, 2004; July 1, 2003; December 11,*
13 *2002; August 1, 2002; January 18, 2002; September 1, 2000; February 22, 1999; October 8,*
14 *1998; July 1, 1998; April 8, 1998; March 7, 1997; February 11, 1997; September 1, 1996;*
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26 *2020; February 14, 2020; October 7, 2019; May 3, 2019; May 1, 2018; July 1, 2017; September*
27 *2, 2016*
28

Burgos, Alexander N

From: Rose, Carla
Sent: Wednesday, May 21, 2025 1:53 PM
To: Peaslee, William W; Snyder, Ashley B; Jackson, Barbara
Cc: Burgos, Alexander N; Plott, Sophie R
Subject: RE: RFC 13 NCAC 07F .0201
Attachments: 2025.06 - Labor 13 NCAC 07F .0201.docx

Importance: High

Mr. Peaslee,

Ashley is out on maternity leave, so I am copying our interim General Counsel, Barbara Jackson, for her review.

Thank you.

*Carla D. Rose, NCCP
Paralegal
N.C. Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, NC 27699-1101
919-707-7712 Direct
919-707-7713 Main*

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Wednesday, May 21, 2025 1:48 PM
To: Snyder, Ashley B <ashley.snyder@labor.nc.gov>; Rose, Carla <carla.rose@labor.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RFC 13 NCAC 07F .0201

Good afternoon,

Attached please find the request for changes on the above captioned rule currently under Rules Review Commission review for June 2025.

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

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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