

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE JOINT RESOLUTION 1396*

Sponsors: Representatives Fitch, Barnes, Cunningham, Howard, Sam Hunt, McLaughlin, Payne, H. Hunter; Blue, Albertson, Anderson, Barnhill, Beard, Black, Bowen, Bowie, Bowman, Brown, Buchanan, Chapin, Colton, N.J. Crawford, Dawkins, DeVane, Dial, Diamont, Easterling, Ethridge, Flaherty, Fletcher, Fussell, Gamble, Gist, Gottovi, Green, Greenwood, Hackney, Hardaway, Hensley, R. Hunter, Jeffus, Jordan, Justus, Kennedy, Lilley, Lineberry, Luebke, McAllister, Mercer, M*ichaux, Miller, Nesbitt, Oldham, Redwine, Smith, Stamey, Stewart, Wainwright, Warner, Wicker, and Withrow.

Referred to: Rules, Appointments and Calendar.

May 28, 1992

1 A JOINT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO
2 REQUIRE FEDERAL AGENCIES RESPONSIBLE FOR INSPECTING WORK
3 PLACES TO SHARE INFORMATION WITH STATE AGENCIES
4 RESPONSIBLE FOR THE ENFORCEMENT OF STATE AND FEDERAL
5 OCCUPATIONAL SAFETY AND HEALTH LAWS.

6 Whereas, on September 3, 1991, 25 workers died and 55 were injured in a
7 fire at the Imperial Foods processing plant in Hamlet, North Carolina; and

8 Whereas, a primary factor in the deaths and injuries of those workers was
9 their inability to escape from the plant because exit doors nearest to where the fire broke
10 out were locked and no exit signs were posted in the plant to direct workers in the event
11 of an emergency; and

12 Whereas, on the morning that the fire occurred, an inspector from the United
13 States Department of Agriculture (USDA) was in the Imperial Foods plant and was
14 aware that at least one exit door was locked; and

15 Whereas, the exit door that the USDA inspector knew was locked was one of
16 the doors that plant workers tried in vain to escape through; and

1 Whereas, in response to the Imperial fire, the USDA Food Safety Inspection
2 Service (FSIS) has required that an emergency evacuation plan for FSIS personnel be in
3 place in every plant inspected by the FSIS; and

4 Whereas, in response to the Imperial fire, the USDA and the United States
5 Department of Labor, OSHA Division, are jointly considering training of FSIS
6 inspectors to enable them to identify specific safety and health hazards, and are also
7 considering an arrangement whereby FSIS inspectors may report serious uncorrected
8 hazards directly to OSHA; and

9 Whereas, certain federal agency personnel inspect work places with greater
10 frequency than other agency personnel and thus are in a position to identify recurring
11 hazardous conditions; and

12 Whereas, it is an efficient and effective use of existing resources to maximize
13 the ability of every federal work place inspector to identify obvious hazardous
14 conditions, even if the inspector has no authority to order correction of such conditions,
15 and to inform appropriate federal or State agency officials to ensure that the conditions
16 are corrected as quickly as possible; and

17 Whereas, the absence of reasonable cross-training of inspectors may foster
18 circumstances where the method for correcting one violation of a safety and health law
19 directly causes the violation of another safety and health law, as was the case in the
20 Imperial plant; and

21 Whereas, many of the deaths and injuries that occurred at the Imperial plant
22 may have been prevented had the USDA inspector known that the door that was locked
23 to prevent fly infestation was a fire exit and should not have been locked; Now,
24 therefore, be it resolved by the House of Representatives, the Senate concurring:

25 Section 1. The General Assembly urges the members of Congress of the
26 United States to mandate that all federal agencies charged with the enforcement of
27 safety and health laws ensure that appropriate agency personnel are able and authorized
28 to identify hazardous conditions in the work places they inspect and to inform
29 appropriate federal and State agency officials of violations of safety and health laws the
30 inspectors observe during the course of their regular inspections.

31 Sec. 2. The Secretary of State shall transmit copies of this resolution to the
32 members of Congress of the United States from North Carolina and to the Clerk of the
33 United States House of Representatives and the Secretary of the United States Senate.

34 Sec. 3. This resolution is effective upon ratification.