



JOSH DOBSON
COMMISSIONER OF LABOR

NICOLE BROWN
EAST COMPLIANCE BUREAU CHIEF
OCCUPATIONAL SAFETY AND HEALTH DIVISION

April 18, 2023

Attn: Russell Broaddus, MD
UNC School of Medicine
160 North Medical Dr
Chapel Hill, NC 27514

Re: Complaint Number 209784289

Dear Russell Broaddus, MD:

Recently the North Carolina Department of Labor Occupational Safety and Health Division received a complaint concerning alleged health and/or safety hazards at your establishment at B-05 Brinkhous-Bullitt Building, Chapel Hill, NC 27599. The specific nature of the complaint is described in detail on the attached page.

We have not determined whether the hazards, as alleged, exist at your workplace; and we are not conducting an inspection, at this time. However, since allegations of violations have been made, you should investigate the alleged conditions and make any necessary corrections or modifications. Within 7 working days of your receipt of this letter, please advise us, in writing, by certified mail, or submitting electronically of your findings and of the action you have taken. Your response should be detailed stating specifically what action you have taken to correct each hazard. You should enclose any supporting documentation, such as monitoring results, equipment purchases, photographs etc.

The complainant has been advised of this preliminary response to the complaint and furnished a copy of this letter. An unredacted employer response will be forwarded to the complainant. Please focus on providing documentation on the alleged conditions and do not include any comments or information about the person(s) that you believe filed the complaint. You should be aware that North Carolina General Statute '95-241 provides that "no person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint, initiate any inquiry, investigation, inspection, proceeding or other action, or testify or provide information to any person with respect to... the Occupational Safety and Health Act of North Carolina."

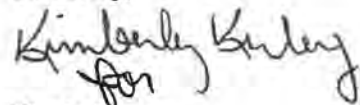
This letter is not a citation nor is it a notification of proposed penalty, which according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. If we do not receive a response from you within 7 working days of your receipt of this letter indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted.

Please send your written response electronically to the Senior Health Compliance Officer Bruce Miles at oshresponse.raleigh8@labor.nc.gov. Supporting documentation, such as photos or safety policies, should be attached to the email if applicable. If you have any questions about this letter or the information needed in your response, please contact Bruce Miles at 919-779-8508.

Documents in investigative files are disclosed in accordance with the NC Public Records Act (Chapter 132 of the NC General Statutes) and NC General Statute 95-136 of the Occupational Safety and Health Act of NC. Also, in accordance with 13 NCAC 7A.0303, without a specific federal or state law or a rule that designates the materials as confidential, the only documents that OSHNC recognizes as "confidential" are trade secrets, personnel files, and medical files. **All other documents will be provided to the complainant, even those documents marked as confidential, unless a Privilege/Confidentiality Log is provided by the employer or their counsel.** To have any documents marked as confidential in the OSHNC files, an employer must submit a Privilege/Confidentiality Log to support its assertion that the listed documents are "confidential" and are therefore protected from release. A Trade Secret is defined in 29 CFR 1910.1200 as "any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it." The log must include the stated category (e.g., trade secret, personnel, or medical) and the basis for the assertions. Training records do not constitute "personnel" records. Safety meeting minutes would not qualify under any of the above categories as confidential. **Unless such a log with viable justification is provided with your response, OSHNC will not consider the documents to be confidential or trade secret, even if stamped or otherwise marked as such.**

You are requested to post a copy of this letter and your response to it where it will be readily accessible for review by your employees. Thank you. Your interest in the safety and health of your employees is appreciated.

Sincerely,

Handwritten signature of Nicole Brown in cursive script, with the word "for" written below it.

Nicole Brown
District Supervisor

/kk

Enclosure(s)

Complaint of Occupational Safety or Health Hazards

North Carolina Department of Labor Occupational Safety and Health Division	Complaint Number 209784289	Optional Number 3910
Employer Name UNC School of Medicine		
Site Location (Street, City, State, ZIP) B-05 Brinkhous-Bullitt Building Chapel Hill NC 27599		
Mailing Address (Street, City, State, ZIP) 160 North Medical Dr Chapel Hill NC 27514		
Management Official Russell Broaddus, MD	Telephone Number 919-966-4161	
Complaint Assigned To L1785	SIC/NAICS 8221 611310	
Hazard Description: Employees are concerned about their health while being exposed to radiation, gases, and chemical fumes. Employees are working at desks located in areas shared by chemicals and laboratory testing. The room has hazardous chemicals, gases, old laboratory equipment, dirty sinks and countertops, containers for hazardous waste and sharp needles, syringes, blades, and broken glass. There is an adjacent lab which is open, and tests are performed on mice and rodents. There are concerns about the air quality due to the odors in the area. There are signs in this lab warning of the presence of radiation.		
Hazard Location: Room 710, Brinkhous-Bullitt Building		