In the present case, petitioner was cited for failing to conduct “frequent and regular inspections of the job sites[].”

Petitioner contends that neither Congress nor the North Carolina legislature intended to impose a duty on an employer to protect the employees of its independent contractors.

Petitioner argues that the Occupational Safety and Health Act (OSHA) makes a general contractor responsible only for the safety of his own employees.

The Operations Manual is a non-binding interpretive statement, not a rule requiring formal rule-making procedures.

The standard of review of an administrative agency's decision in judicial review is determined by the issues presented on appeal.

In the practice of law, employers and employee groups argue that OSHA’s authority is limited to the scope of the Occupational Safety and Health Act.

As previously stated, Congress enacted OSHA to reduce employment-related deaths and injuries.

The multi-employer policy, an interpretive statement, involves employers having no knowledge of who their employees are.

Although the term “rule” does not include:

(a) the right to inspect the work of any subcontractor; and

(b) the right to compel the independent contractor to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(c) the right to compel the independent contractor to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(d) the right to compel the independent contractor to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(e) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(f) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(g) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(h) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(i) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(j) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(k) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(l) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(m) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(n) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(o) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(p) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(q) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(r) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(s) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(t) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(u) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(v) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(w) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(x) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(y) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

(z) the right to compel Paige to comply with all safety, health and other laws, ordinances, rules and regulations applicable to the project; and

The Petitioner's third argument, that the Safety and Health Review Board did not address the issues of legislative intent or OSHA's own regulations precluding multi-employer liability, was not assigned as error.

We affirm the decision of the Superior Court.