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## **Court of Appeals Upholds Environment Department's NMOSHA Regulations that Protect Convenience Store Workers**

(Santa Fe, NM) — The New Mexico Court of Appeals today upheld regulations adopted by the New Mexico Environmental Improvement Board in 2004 to protect convenience store employees from violence at work.

The decision states the Environmental Improvement Board has the authority to adopt regulations to protect convenience store workers from violence in the workplace.

“We are excited about this decision because it will help protect convenience store workers from violence on the job,” said New Mexico Environment Department Secretary Ron Curry. “We will continue to enforce the OSHA regulations that have been in place for two years. As a result of those regulations, New Mexico convenience store workers can go to work knowing there are increased safety measures in place to protect them.”

In 2004, the New Mexico Petroleum Marketers Association, Indian Capitol Distributing Co., Inc., Hookinson, Inc. and Every-Ready Oil Co., Inc, appealed the EIB's adoption of the convenience store safety regulations arguing that the EIB did not have statutory authority to adopt such regulations.

“We hold that the plain language of OSHA and the NMOSHA supports the EIB's interpretation extending the coverage of these statutes to workplace violence,” stated the decision, which was filed in the New Mexico Court of Appeals today.

The New Mexico Legislature passed Joint Memorial 4 in 2003 directing the New Mexico Occupational Health and Safety Bureau to study the problem of homicides, assaults, robberies and other violent acts against employees at late-night retail establishments, according to the court documents. The EIB subsequently adopted regulations requiring convenience store owners to have at least two employees working at night or provide bullet-proof enclosures, install video surveillance systems, improve lighting, and provide safety training to employees among other requirements.

New Mexico has the only Occupational Health and Safety Bureau in the country to adopt regulations that specifically address measures employers must take to protect convenience store workers from potential violent acts.

For more information, call NMED Communications Director Marissa Stone at (505) 827-0314 or (505) 231-0475.

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