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**NMED's Occupational Health and Safety Bureau Cites Two Albuquerque-Based Construction Companies and Issues Proposed Penalties of more than \$200,000 each for Failing to Protect Workers**  
Violations Were Discovered During Concentrated Inspections of Construction Sites

(Santa Fe, NM) – The New Mexico Environment Department's Occupational Health and Safety Bureau issued citations to two Albuquerque-based construction companies — Southwest Stucco and American Classic — for exposing employees to hazards from unsafe scaffolding and other unsafe working conditions.

Southwest Stucco faces proposed penalties of \$201,100 for seven violations and American Classic faces proposed penalties of 208,050 for eight violations of the state Occupational Health and Safety Act. The bureau discovered the violations during concentrated sweeps of construction areas conducted to determine if working conditions were protective of employees. A contractor for Southwest Stucco, D.R. Horton, also faces proposed penalties of \$80,500 for failing to correct unsafe working conditions and failing to conduct safety inspections at a Las Cruces work site.

"The conditions we found during inspections pose serious threats to workers' safety," said New Mexico Environment Department Secretary Ron Curry. "Construction industry employees face greater on the job injuries than workers in any other industry. Maintaining safe scaffolding is an absolute necessity. The companies face high penalties because of unsafe working conditions they created for workers."

"What is particularly troubling about Southwest's violations is that the company has a history of failing to comply with scaffold safety regulations," said Jim Norton, Director of the Environmental Protection Division. "These construction companies are putting their employees' lives at risk by not providing commonsense fall protection."

A state inspector found five willful violations of scaffolding standards for Southwest Stucco of Albuquerque during an inspection of a residential construction site in Las Cruces on April 12. Violations are classified as "willful" when companies knowingly expose employees to unsafe working conditions.

OHSB inspectors cited the company for failing to provide proper planking, adequate support for the scaffold, access to the scaffold and guardrails for employees working from scaffolding. OHSB also issued a citation to the company for failing to inspect the scaffolding before workers stood on it. The department proposed penalties of \$196,000 for those five willful violations. The company also faces proposed penalties of \$5,100

for two serious violations for failing to provide workers safe access to the roof from a ladder. A violation is classified as serious when there is a substantial probability that death or serious physical harm could result from a working condition.

OHSB cited Southwest for similar violations during two inspections in 2004 and two inspections in 2005.

OHSB inspectors also found several violations at an American Classic construction site at 2406 Broadway Northeast in Albuquerque on April 26. Investigators found seven willful violations, including failure to provide proper planking, adequate support for the scaffold, easy access to the scaffold and toe boards and guardrails for employees working from the scaffold. The company also failed to inspect the scaffold before employees used it. Proposed penalties for those violations are \$207,000. One serious violation, failing to provide fall protection for employees on a roof, included a proposed penalty of \$1,050.

During that inspection, an OHSB inspector instructed American Classic to correct the violations before allowing employees on the scaffold. However, the next day and on May 5, the scaffold was still unsafe and employees continued to work from the scaffold.

OHSB also cited the general contractor for Southwest Stucco's Las Cruces worksite, D.R. Horton, for failing to ensure the violations were corrected and failing to conduct its own inspections of the site. OHSB cited the contractor for four repeat violations of safety standards and proposed penalties of \$70,000 and four serious violations with proposed penalties of \$10,500. D.R. Horton received citations for repeat violations because OHSB found similar problems at the company's other work sites during past inspections.

OHSB inspects construction sites under a Local Emphasis Program, which was developed to address the high rate of injuries and fatalities in the construction industry. Inspections help identify hazards that lead to injuries and deaths in the construction industry and ensure employees do not have to work under dangerous conditions. The bureau conducted 336 construction inspections and issued 469 citations last year. Scaffold violations accounted for 168 of those citations, which accounts for more than 35 percent of the total.

OHSB has conducted concentrated sweeps of construction sites, visiting as many sites as possible, in the past two years. Those inspections have centered in Albuquerque and Las Cruces. However, the bureau intends to also increase inspections in Clovis, Deming, Farmington, Hobbs and Roswell, where a large amount of construction work is occurring. The bureau will also continue random inspections at other locations across the state.

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