



For Immediate Release
August 12, 2008

Contact: Marissa Stone, NMED Communications Director
(505) 827-0314 or (505) 231-0475

Governor Bill Richardson Proposes New Rules to Protect Workers from Drug & Alcohol Related Accidents in the Workplace

SANTA FE- Governor Bill Richardson is pushing for changes to the New Mexico Environment Department's Occupational Health and Safety Regulations related to the unlawful drug and alcohol use in the workplace.

The changes are part of Governor Richardson's comprehensive plan to strengthen workplace safety standards statewide which he demanded after a highway contractor crew was found drinking alcohol at a bridge construction site in Gallup resulting in the death of one worker.

"Drugs and alcohol have no place in any working environment, it's dangerous and irresponsible," Governor Richardson said. "These regulations, which are tougher than even federal standards, will ensure that all employers, including those in the construction industry, are held accountable for lax workplace practices that put their employees in harm's way."

"The regulations will help ensure employers provide a workplace free of unlawful drug and alcohol use by employees," said New Mexico Environment Department Secretary Ron Curry. "Employers who violate the regulation could face maximum penalties."

The New Mexico Environment Department will request a hearing on the rule changes from the New Mexico Environmental Improvement Board at a meeting September 2nd. Unlike federal OSHA regulations which make no specific reference to drugs or alcohol, the proposed "Prohibition Against Unlawful Drug Use and Alcoholic Beverage Use in the Workplace," would clearly spell out that:

- Employers are responsible for providing a workplace free from unlawful drug and alcoholic beverage use by employees.
- Employers are responsible for developing and implementing a written policy prohibiting the use of those substances by employees.
- Employers who violate those requirements may receive the maximum of the civil penalty for those violations.

The regulation changes to 11.5.3 NMAC apply to general industry, construction and agricultural employers. The maximum penalty ranges from \$1,000 to \$7,000 depending on circumstances surrounding violations. If the Board adopts the changes, the new regulation could go into effect early next year.

The OSHA regulation changes will complement Governor Richardson's directive to state agencies to pursue tougher measures to ensure drug and alcohol free workplaces through the regulatory process. Those measures include:

- Amending current specifications to include zero tolerance for drugs and alcohol use or possession by contractor and subcontractor employees on work sites. This also addresses penalties for violations.
- Amending current specifications to require contractors and subcontractors provide random drug and alcohol testing for ALL their employees directly working on construction sites as a condition of prequalification to bid on state construction projects.
- Requiring contractors and subcontractors to maintain certain safety ratings as determined by OSHA before they will even be considered for bidding on state construction projects.
- Requiring contractors and subcontractors to conduct quarterly checks on the validity of all of its employees' drivers' licenses.
- Requiring contractors and subcontractors to have a hiring and termination policy with regard to DWI convictions and loss of drivers' license, especially as it pertains to foremen, safety officers and supervisors.
- Amending current specifications to enable the state to terminate a contract if a contractors' OSHA and OSHB safety ratings fall below certain acceptable standards.

##