

MEMORANDUM OF AGREEMENT

between the

New Mexico Workers' Compensation Administration

and the

**New Mexico Environment Department
Occupational Health and Safety Bureau**

This Memorandum of Agreement ("Agreement" or "MOA") is entered into this 21st day of February, 2008, by and between the New Mexico Workers' Compensation Administration ("WCA") and the New Mexico Environment Department Occupational Health and Safety Bureau ("OHSB"), collectively, "the parties".

I. Purpose

The purpose of this MOA is to provide a mechanism to foster joint operations and collaborative efforts between the parties to improve safety and health for workers in New Mexico. This MOA is focused on Safety Consultation services and is intended to facilitate efforts to make New Mexico the safest state in the United States to work.

II. Terms of Agreement

A. The parties agree that for purposes of joint activities, each party will only be responsible within the limits of their own existing budgetary resources. These resources include development of safety publications, pamphlets, pocket guides, posters, checklists, etc.

B. It is vital to the State of New Mexico that joint operations authorized by this MOA be implemented as soon as possible and to the maximum extent possible to prevent workplace accidents, illnesses and fatalities. Actions involving accident prevention contribute to the overall health of the state and further reduce escalating costs in the workplace.

C. Each party's facilities and equipment will be shared as scheduling and resources permit to accommodate joint activities.

D. The method by which the purpose of the MOA shall be accomplished is as follows:

1. The WCA shall:

- a. Provide to the OHSB the most current injury, illness and fatality data for the State of New Mexico. Statistical information related to the Annual Report as developed by the WCA's Economic Research Bureau will serve as the basis for this information. Section II.F below applies to this activity.
- b. Provide training facilities and equipment as space and scheduling allows;
- c. Collaborate with OHSB in developing statewide safety initiatives; and,
- d. Designate the WCA Safety Technical Advisor as the person responsible for coordinating these activities.

2. The OHSB shall:

- a. Invite WCA Safety Consultants to attend OHSB-sponsored OSHA training classes at no cost, subject to space availability;
- b. When requested, provide OSHA-specific training to WCA Safety Consultants during OHSB Consultation Program on-site visits;
- c. Share monitoring and test equipment with WCA as needed or perform tests if necessary for specific workplaces;
- d. Collaborate with WCA in developing statewide safety initiatives; and
- e. Designate the OHSB Consultation Program Manager as the person responsible for coordinating these activities.

E. This MOA incorporates all agreements, covenants and understandings between the parties and all such agreements and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless incorporated in this MOA.

F. The laws of the State of New Mexico shall govern this Agreement.

III. Administering Agency

The responsibilities of the administering agency are shared by the WCA and OHSB.

IV. Termination of Agreement

This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination.

V. Liability

Each party shall be solely responsible for any liability incurred as a result of its acts or omissions in connection with this Agreement. Each party shall be liable for its actions in accordance with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act.

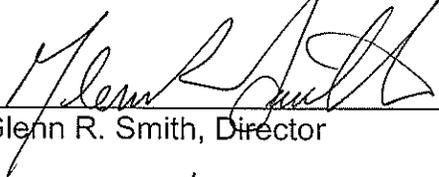
VI. Amendment

Any and all amendments to this Agreement shall be made in writing, agreed to and executed by the parties hereto.

VII. Period of Agreement

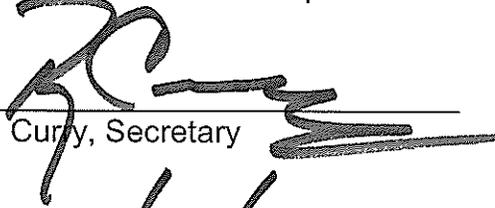
This Agreement shall become effective on February 21, 2008, or as soon thereafter as approved by the both parties, and shall remain in effect until it is terminated by mutual agreement or as noted in section IV above.

Workers' Compensation Administration

by: 
Glenn R. Smith, Director

Date 2/4/08

New Mexico Environment Department

by: 
Ron Curry, Secretary

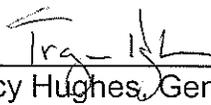
Date 2/19/08

WCA APPROVED FOR LEGAL FORM AND SUFFICIENCY:

by: 
Roberta Baca, Assistant General Counsel

Date 2/1/08

NMED/OHSB APPROVED FOR LEGAL FORM AND SUFFICIENCY:

by: 
Tracy Hughes, General Counsel

Date 2/21/08