

ANNUAL MONITORING AND EVALUATION (FAME/RACER) REPORT
ON THE
STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
OCCUPATIONAL HEALTH AND SAFETY BUREAU

Covering the period
October 1, 2006 - September 30, 2007

Plan Approval: December 10, 1975
18(b) Certification: December 4, 1984



Prepared by
U.S. Department of Labor
Occupational Safety and Health Administration
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I Executive Summary

New Mexico made progress on all of the FY 2007 annual performance plan goals, and the program continues to meet all of its State plan requirements, as detailed below.

Achievement highlights during this period include expanding the SHARP, VPP, and compliance assistance programs; establishing a new partnership with the oil and gas industry; issuing citations and penalties over \$100,000 in two cases; increased training opportunities for New Mexico businesses; increasing internal staff training; and continuing focus on the seven Local Emphasis Programs developed to address high hazard industries in the State: Oil and Gas Well Drilling and Servicing; Construction; Field Sanitation; Fabricated Metal Products; Stone, Clay, and Glass Products; Silica; and Convenience Stores.

Outreach efforts have greatly expanded, with meetings and presentations for Navajo Nation employees; farm labor organizations; several State and local government entities; the agriculture industry; construction safety training committees; American Society of Safety Engineers; underground utility construction staff; landfill operators; New Mexico Recycling Coalition; and numerous partnership and alliance members.

There are two Compliance Officers and one Supervisor working at the Albuquerque field office and one Compliance Officer working at the Las Cruces field office. This has resulted in more rapid response to reports of hazards, including imminent danger situations and accidents, as detailed throughout this report.

The State of New Mexico Occupational Health and Safety Program is considered “at least as effective” as the Federal program.

II Introduction

This is an annual evaluation of the operation of the State of New Mexico Occupational Health and Safety Plan under both the 21(d) Consultation and 23(g) State Plan grants. This report was prepared under the direction of Dean W. McDaniel, Regional Administrator, Region VI, Occupational Safety and Health Administration, U.S. Department of Labor, and covers the period from October 1, 2006, to September 30, 2007. The New Mexico Occupational Health and Safety Program is administered by the Occupational Health and Safety Bureau (OHSB), which is part of the Environmental Protection Division of the New Mexico Environment Department. The State Designee is Environment Department Secretary Ron Curry.

The New Mexico program covers all private sector industries within the State, except maritime (long shoring, ship building, and ship breaking) employees and Federal civilian employees, who are under Federal OSHA jurisdiction for enforcement. State and local government employees are also covered. The New Mexico FY 2007 Annual Performance Plan notes that New Mexico has a total work force of 585,564 private sector

and 147,279 public sector employees working for 48,991 businesses and public agencies throughout the State. Approximately 85% of the businesses within the State employ 15 or fewer employees.

The State OHSB staff consists of the Bureau Chief; 3 Program Managers for Compliance, Consultation, and Administration; 11 Compliance Officers; 5 Consultants; 2 Compliance Assistance Specialists; and 7 Support positions.

III Major New Issues and State Achievements

A Workers' Compensation Premium Rate Reductions

The New Mexico Workers' Compensation Administration 2005 annual report announced a reduction in work-related fatalities from 7.12 fatalities per 100,000 workers in 2004 to 4.21 fatalities per 100,000 workers in 2005. The Bureau of Labor Statistics injury incidence rates for 2005 show the total recordable cases for all industries dropped from 5.6 per 100 employees in 2004 to 5.2 in 2005. In construction, the rate dropped from 5.2 to 4.4. This is a testament to the successful partnership programs between OHSB and construction industry associations and businesses.

B Convenience Store Regulations

As detailed in the State's Compliance and Consultation Combined Annual Report, the OHSB promulgated Convenience Store regulations in FY 2004. All of the provisions went into effect on December 1, 2004. They provided extensive outreach to the regulated community in 2005 and 2006, and conducted 19 inspections under their LEP for Convenience Stores in FY 2007. Violations were found on seven of the inspections.

C Strategic Partnerships in the Construction Industry

The OHSB provided extensive compliance assistance to the construction industry during FY 2007, including attending monthly safety meetings of construction associations, individual companies, and municipalities not currently participating in partnerships or alliances.



New Mexico completed the third year of the Partnership Agreements with the Associated General Contractors of America (AGC) New Mexico Building Branch. OHSB conducted verification visits and continually evaluated the agreements and participants. In FY 2007, 25 companies participated in the AGC partnership.

The Construction Leaders Agreement for Safety (CLAS) is a workplace safety and health partnership between OHSB and the Associated Builders and Contractors (ABC), begun in 2001. In FY 2007, 20 companies participated in this partnership.

The Construction Agreement for Residential Employee Safety (CARES) Partnership began the year with 24 partners and added 9, for a total of 33. The CARES program brings together general contractors, their subcontractors, and OHSB Consultation in an effort to educate employers and employees on the importance of developing and maintaining effective workplace safety and health programs. Participants in the program who maintain good standing are exempt from programmed-planned inspections.

The Cooperative Compliance Partnership (CCP) is a new partnership in 2007 for construction employers with exemplary safety and health programs. Participants who meet all partnership requirements are exempt from programmed safety and health inspections.

The Safety and Health Initiative Partnership (SHIP) between the OHSB and the American Subcontractors Association of New Mexico is also new in 2007. It is similar to the partnerships with the AGC and ABC.

D Oil and Gas Initiative

OHSB developed a new partnership in 2007 with the oil and gas industry, and is developing an alliance to be signed in 2008.

The Oil and Gas Safe Site Program (OGSSP) is a partnership with three levels of achievement and recognition, similar to the AGC and ABC partnerships. Two companies achieved the superior level in FY 2007.

E NUCA Alliance

The Alliance between OHSB and the National Utility Contractors Association (NUCA) continued during FY 2007, with a total of 21 contractors. This alliance was the first in the nation between a Chapter of NUCA and an OSHA agency. The Association continued its training efforts by providing OSHA 10-hour training courses in English and Spanish simultaneously.

F Grant Expenditures

The Bureau was able to utilize all 23(g) and 21(d) grant funds in FY 2007. This was made possible by an increase in appropriated state general funds to overmatch available Federal funds and by the diligent efforts of the Bureau's financial staff to effectively budget, encumber, and expend funds in a timely manner. We commend the State for this accomplishment.

G Refinery Catastrophe Response

We are continuing to track New Mexico's response and activities in relation to a refinery explosion and fire that occurred in FY 2004. We jointly identified the need for some policy changes and additional training in some areas. Many issues have been resolved; the remaining issues are discussed below.

- 1 The right to private employee interviews is provided for in the New Mexico Act and implementing regulations at 11.5.1.21.E NMAC. Differences in interpretation of these provisions arose during the initial and subsequent inspections of the site, and a legal opinion was necessary to clarify the OHSB's rights and responsibilities. The Office of General Counsel (OGC) issued a legal opinion assuring the Bureau's right to interview employees in private. However, the Santa Fe District Court has ruled that the current language in the OHSB regulations indicates that an employee has the right to have company counsel present if he or she so desires. The Bureau and legal counsel have drafted revised regulations to clarify the Bureau and employee rights. A hearing before the Environmental Improvement Board is scheduled for May 5, 2008. We will continue to track progress on this issue.
- 2 The need to train compliance staff on policies and procedures for fatality/catastrophe investigations or events of potentially catastrophic consequence was identified.
 - a The former Bureau Chief committed to revise the New Mexico Field Operations Manual to incorporate the provisions of OSHA Instructions CPL 2.94 and CPL 2.113. As the Bureau revises their FOM in response to revisions to OSHA's Field Inspectors Reference Manual (FIRM), these issues will be incorporated. We will continue to track progress on this issue.
 - b OHS Bureau staff attended Enhanced Documentation Training conducted by Region 6 in Santa Fe the week of December 13, 2004.

- 3 The need for additional staff training on Process Safety Management (PSM) was also identified.
 - a Region VI Federal OSHA staff conducted basic PSM training for several OHSB staff members the week of September 20, 2004.
 - b Several OSHA Training Institute (OTI) courses on PSM and Hazardous Materials were recommended. Four Compliance Officers, including two team leaders, completed all required PSM training during FY 2007. They are fully qualified to conduct inspections under the State's Refinery LEP in FY 2008.

H Inter-Agency Agreements and Activities

- 1 Reciprocity Agreement between New Mexico Environment Department (NMED) and Federal OSHA Region VI

On April 7, 2003, the NMED and OSHA Region VI entered into a reciprocity agreement which allows construction companies working on sites under Federal jurisdiction in New Mexico to continue to participate in State incentive programs. The agreement provides for consistent implementation of the State partnerships developed with the Associated Builders and Contractors (ABC) and the Associated General Contractors (AGC).

- 2 Hispanic Initiative

OHSB entered into a contract with Adelante International Solutions to provide two 10-hour construction training courses in Spanish.

- 3 Lead Task Force

OHSB staff continued working closely with members of the Lead Task Force, in an effort to reach mutual goals of reducing lead poisoning in New Mexico. Referral procedures between the two programs have been established for lead exposure cases.

- 4 New Mexico Workers' Compensation Administration

OHSB staff worked with Workers Compensation Administration (WCA) staff to develop a Memorandum of Understanding whereby WCA will provide injury and illness data to the extent releasable; OHSB will provide training to WCA staff; and the two agencies will work together on joint outreach activities. They expect to sign the MOU in early 2008.

5 New Mexico Environment Department Public Outreach Program

The OHS Bureau participated in the Environment Department's Public Outreach Program through the following activities.

- Distribution of safety and health materials, including translation and distribution of materials in Spanish.
- Participation in Department-sponsored workshops to promote health and safety awareness.
- Participation in the Pollution Prevention efforts by the Department, on how to incorporate worker safety and health issues as part of an Environmental Excellence Program.

6 New Mexico Occupational Health Registry

OHSB personnel attended the annual meeting of the New Mexico Occupational Health Registry (NMOHR). NMOHR has applied for a Federal grant to gather data on silicosis cases, and is interested in collaborating with other agencies. NMOHR has been analyzing occupational mortality data and has offered to share their findings with OHSB.

I Voluntary Protection Program (VPP)



The New Mexico VPP program, New Mexico Zia Star, is a “Star” program, which provides for recognition of employers with exemplary safety and health programs and excellent injury and illness statistics. Employers must have an effective safety and health program, which includes employee involvement; be below the BLS national injury/illness rates for their industry; undergo a comprehensive onsite inspection; and meet other qualifications. Employers who are granted Star recognition are removed from the programmed inspection list as long as they continue to maintain Star status.

In FY 2007, two companies were added to the ranks of those with Zia Star approval, bringing the total to six. Participants include Intel, Roco Rescue, Georgia

Pacific/Vista Corrugated, Conoco-Phillips San Juan Gas Plant, Operations Management International (OMI), and Honeywell Aerospace.

J Safety and Health Achievement Recognition Program (SHARP)



New Mexico has an active Safety and Health Achievement Recognition Program (SHARP) by which small employers are recognized for having exemplary safety and health programs by receiving exemption from programmed inspection for a designated period of time. In FY 2007, eight employers achieved SHARP certification status: Tri-State Generation and Transmission, Jule-Art, Sennheiser New Mexico LLC, Rea Magnet Wire, Craftics, La Farge Southwest-Santa Fe Block, Lumber Products, and AUI.

K Internal Staff Training

Internal training was a high priority in FY 2007, and OHSB committed significant resources to developing Internal Training Curricula and ensuring staff received appropriate training.

During FY 2007, OHSB staff attended the following OSHA Training Institute (OTI) courses.

| Course Number | Title | Number Attending |
|---------------|--|--------------------------------|
| 1000 | Initial Compliance Course | 3 COs |
| 1250 | Introduction to Health Standards for Industrial Hygienists | 1 CO |
| 2250 | Principles of Ergonomics in Work-Related Musculoskeletal and Nerve Disorders | 2 COs |
| 3010 | Excavation, Trenching, and Soil Mechanics | 6 COs; 1 CAS |
| 3110 | Fall Arrest Systems | 5 COs; 1 CAS; 4 Consultants |
| 3300 | Safety and Health in the Chemical Processing Industries | 2 COs |
| 3400 | Hazard Analysis in the Chemical Processing Industries | 2 COs |

| | | |
|-------------|---------------------------------------|------------------------|
| 3410 | Advanced Process Safety Management | 2 COs |
| TEEX 123 | Scaffold Safety | 1 CO |
| TEEX 500 | Train the Trainer – Construction | 1 Consultant |
| TEEX 501 | Train the Trainer – General Industry | 1 Consultant |
| TEEX | Train the Trainer on H ₂ S | 1 Consultant; 1 CAS |

Other topics of internal training received in FY 2007 include Recordkeeping; Confined Space Awareness; Hazardous Waste Operations Refresher; Workers Compensation; Medic First Aid and CPR; IADC Rig Pass; Well Control; and Voluntary Protection Programs.

L New Mexico Field Operations Manual

OHSB is working on a complete revision to their Field Operations Manual. Draft Chapter II was transmitted to the Regional Office in November 2005. Because Federal OSHA is concurrently revising the Field Inspectors Reference Manual (FIRM), New Mexico has decided to delay further revisions until the Federal manual is issued.

M Outreach and External Training

During FY 2007, the following topics were taught at external training sessions: Construction (English and Spanish); General Duty; Fall Protection; Indoor Air Quality; Underground Utility; Mold Contamination; and Bloodborne Pathogens.

N Intervention Activities

In addition to ongoing consultation and formal training, New Mexico uses the OSHA-55 and CONS-66 intervention forms to track all of the other technical and compliance assistance services provided to employers and employees.

Interventions by Type during FY 2007

| Intervention Type | Consultation | Enforcement | Total |
|--------------------------------------|--------------|-------------|-------|
| Conference/Seminar | 6 | 0 | 6 |
| Focused Safety and Health Assistance | 0 | 150 | 150 |
| Interpretations | 8 | 0 | 8 |

| | | | |
|--------------------------------------|----|-----|-----|
| Outreach | 50 | 0 | 50 |
| Speeches | 5 | 2 | 7 |
| Partnership Leveraging | 0 | 69 | 69 |
| Program Review | 0 | 2 | 2 |
| Formal Training | 4 | 6 | 10 |
| Safety and Health Program Assistance | 19 | 0 | 19 |
| Technical Assistance | 0 | 4 | 4 |
| Voluntary Protection Programs | 3 | 10 | 13 |
| Other | 0 | 14 | 14 |
| Total | 95 | 257 | 352 |

O Log Data Collection Program

New Mexico continued participation in the Log Data Collection Program and its Audit Program. New Mexico was assigned 257 units to be collected in calendar year 2007. The final response rate was 100%; the useable clean rate was 100%; and the useable clean response rate was 100%. Efforts to refine the database are ongoing, especially for local government entities, and OHSB will continue participation in FY 2008.

IV Progress toward Achieving Strategic and Annual Performance Plan Goals

New Mexico made progress on all of their FY 2007 annual performance plan goals, as detailed in Attachment A, the New Mexico FY 2007 Compliance and Consultation Combined Annual Report.

The OHSB continued seven local emphasis programs to address the high hazard industries identified in their strategic plan and industries where fatalities have occurred. They are Oil and Gas Well Drilling and Servicing; Construction; Field Sanitation, Fabricated Metal Products; Stone, Clay, and Glass Products; Silica; and Convenience Stores. An internal OHSB directive was issued for each LEP, outreach was conducted, consultation and training services were offered, and programmed-planned inspections were initiated.

Highlights of State accomplishments in relation to strategic goals include:

- Goal 1.1: Six enforcement inspections, 1 consultation visit, 12 enforcement interventions, and 4 consultation interventions focused on silica exposure. No workplace overexposure to silica was identified.

Goal 1.2: A total of 306 enforcement inspections, 20 initial consultation visits, 171 enforcement interventions, and 20 consultation interventions were conducted in Construction (NAICS Codes 236-238), and 112 inspections and 19 consultation visits had identified hazards.

A total of 10 enforcement inspections, 4 initial consultation visits, 1 enforcement intervention, and 6 consultation interventions were conducted in Fabricated Metal (NAICS Codes 332-337 and 339). Eleven inspections and four consultation visits had identified hazards.

A total of 14 enforcement inspections, 3 initial consultation visits, 7 enforcement interventions, and 2 consultation interventions were conducted in Stone, Clay, and Glass Products (NAICS Codes 327,332, and 336). Twelve inspections and three consultation visits had identified hazards.

The switch by BLS from using SICs to using NAICS to report injury and illness rates prevented the State from reporting results on the primary outcome measures using the established baselines. However, the following chart shows the New Mexico DART rates (Days Away from Work, Restricted, or Transferred) for the three targeted industries for calendar year 2006 compared to 2003. This information was compiled from OSHA Data Initiative (ODI) survey data.

| | CY 2003 | CY 2006 | % Change |
|--|----------------|----------------|------------------|
| Construction | | | |
| NAICS 236 | 3.1 | 4.7 | +51.6% |
| NAICS 237 | 3.1 | ND | cannot calculate |
| NAICS 238 | 3.3 | 3.4 | +3.0% |
| Fabricated Metal | | | |
| NAICS 332 | 5.4 | ND | cannot calculate |
| NAICS 333 | 3.6 | 2.9 | -19.4% |
| NAICS 334 | 1.2 | ND | cannot calculate |
| NAICS 335 | ND | ND | cannot calculate |
| NAICS 336 | 2.9 | ND | cannot calculate |
| NAICS 337 | ND | ND | cannot calculate |
| NAICS 339 | 3.8 | 3.2 | -15.8% |
| Stone, Glass, and Clay Products | | | |
| NAICS 327 | 2.8 | 3.7 | +32.1% |

The rate for All Construction increased 13%, from 3.18 to 3.6. The primary factors affecting this increase were the small sampling size and an increase in industry activity with inexperienced workers.

The primary factor affecting the increase in NAICS 327 was the small sample size. Long term (10-year) analysis continues to show overall decreases in DART rates.

Goal 1.3: The goal is to reduce employee exposure to workplace violence. The Bureau conducted 19 enforcement inspections and 3 initial consultation visits at convenience stores in FY 2007. Nineteen violations and three hazards were cited under the Convenience Store regulations. In FY 2006, an average of .48 violations per inspection were identified, and in FY 2007 the average was .63 violations, for an increase of 32%. This is attributed in part to increased proficiency of Compliance Officers in identifying violations.

Goal 2.1: The goal is to reduce exposure to the identified causes of fatalities in selected industries where the highest percentages of fatalities occur. The following chart summarizes the State's performance results in FY 2007. The increased number of identified hazards for both construction and oil and gas well drilling and servicing was expected due to increases in the number of inspections conducted in comparison to the numbers used to establish the baselines. Almost all violations had been abated and hazards corrected at the time of this report.

| Hazards Identified | | | |
|------------------------------|-----------------|---------------|-----------------|
| | Baseline | FY2007 | % change |
| Construction | | | |
| Enforcement | 235.8 | 284 | +20.4% |
| Consultation | 59.4 | 183 | +208.1% |
| Oil/Gas Well Drilling | | | |
| Enforcement | 6.4 | 36 | +462.5% |
| Consultation | 2.2 | 85 | +3,764% |

Goal 2.2: OHSB chose to focus on the two industries in New Mexico that experience the largest number of fatalities, and to also look at transportation fatalities and total fatalities using CFOI data. The following chart illustrates their performance in the two targeted industries. The small numbers for both the baseline and CY 2006 are testaments to the State's efforts in these areas.

| | Five Year Average Baseline # of Fatalities | CY2006 Fatalities | Percentage Change |
|---|---|------------------------------|------------------------------|
| Construction | 4.8 | 3 | -37.5% |
| Oil and Gas Well Drilling and Servicing | 4.2 | 4 | - 4.8% |
| Transportation | 14 | 29 | +107.1% |
| Total Fatalities | 48 | 59 | +22.9% |

Goal 2.3: All fourteen (100%) of the fatality reports were inspected within one working day. OHSB has achieved excellent performance on this goal.

New Mexico transmitted their Annual Performance Plan and Consultation Annual Performance Plan (CAPP), with appropriate financial documentation, during the FY 2008 grant application process. The Regional Office reviewed and concurred with the strategic goals and the annual performance goals for FY 2008.

V Assessment of State Performance on Mandated Activities

A State Activity Mandated Measures (SAMM)

Appendix B is the State Activity Mandated Measures (SAMM) Report for New Mexico for the period October 1, 2006, through September 30, 2007. OHSB conducted 540 inspections during the period, including 13 fatality investigations. The focus was on residential construction, agriculture, oil and gas well drilling and servicing, and convenience stores. The following is a summary of State performance on the major issues covered in the SAMM.

1 Complaint and Referral Response

New Mexico has interpreted the State OHS Act to define complaints only as those signed notices of alleged hazards filed by current employees or their representatives. All other notices of alleged hazards, including those from former employees and unsigned notices from current employees or employee representatives, are classified as referrals.

The revised New Mexico FOM time frame for response by inspection to complaints of serious and/or other-than-serious hazards is five working days. The goal for responding to imminent danger complaints and referrals is one working day.

One hundred percent (2/2) of the imminent danger complaints and referrals responded to during the period were inspected within one working day. New Mexico averaged 4.2 working days to respond to all

other complaints by inspection; this performance exceeds the State goal of not more than 5 working days.

The goal for notifying complainants of inspection results is within 20 working days of citation issuance or 30 working days of the closing conference for cases without citations. There were five complaint inspections where complainants were notified of inspection results during the period; four of the five (80%) had timely notification.

2 Denials of Entry

There were no denials of entry during the period for which entry was not obtained. The OHSB has been able to obtain warrants whenever required.

3 Abatement Verification

SAMM 6 shows that New Mexico verified abatement of 95.4% (209/219) of the private sector and 90.8% (59/65) of the public sector serious, willful, and repeat violations, by the final abatement date. We commend the State for their very good performance on this measure to ensure employees are removed from exposure to hazards as quickly as possible.



4 Citations, Violations, and Penalties

OHSB identified 688 violations during the period, including 12 willful and 26 repeat serious violations. Willful violations were issued to three construction companies in cases involving unprotected trenches and scaffolding, resulting in the most significant penalties ever assessed by the Bureau.

The State average citation lapse times were 84.4 days for safety and 116.2 days for health. There was a slight decrease from last year in the safety

average, but a significant increase (33%) in the health average. Both averages were higher than the nationwide averages of 45.7 days for safety and 60.0 days for health. The Compliance Manager made significant progress on eliminating older cases during the period. We have noted that the averages have markedly decreased in the first quarter of FY 2008, to 59.6 days for safety and 80.2 for health. We commend the State for their efforts to reduce citation lapse time, and encourage them to continue their successful strategies.

The percentage of programmed inspections with serious, repeat, and/or willful violations is 33.3% (107/321) for safety and 35.75% (10/28) for health. The majority of “in compliance” safety inspections are in the construction industry. New Mexico Compliance Officers complete OSHA-1’s for every inspection, including “focused” construction inspections. The lower LWDII and IIR rates for the construction industry in New Mexico versus nationwide, are testaments to the Bureau’s efforts in this area.

The total average number of violations per inspection with violations in New Mexico is 2.8. The average penalty per private sector serious violation was \$891.23



5 Public Sector

The percentage of inspections conducted in the public sector in FY 2007 was 6.8%. The three-year New Mexico average is 5.2%, and the State goal is to conduct approximately 10% of total inspection activity in the public sector.

6 Review Process

The average lapse time from receipt of contest to first level decision is significantly lower in New Mexico than the nationwide average (61.0 days versus 252.4 days). One case was heard before the OHS Review

Commission. Although the Commission did not affirm the violations, the Bureau's jurisdiction over highway work zone safety hazards was affirmed.

7 Discrimination Program

New Mexico made determinations on five discrimination cases during the period, two of which were within the SAMM goal of within 90 days of complaint filing.

8 Federal Program Changes and State-Initiated Changes

There were 10 Federal program changes issued during FY 2007 that required State response; only 1 of the 10 (10%) was submitted on time. See Appendix D for details. The Bureau has hired a Management Analyst who will be responsible for ensuring timely response to Federal program changes.

New Mexico developed and transmitted nine State-initiated changes during the period, as detailed in Appendix E. Seven of the nine were transmitted to the Regional Office within 60 days of implementation. The newly-hired Management Analyst will also be responsible for ensuring State-initiated changes are transmitted in a timely manner.

9 Standards and Variances

Four Federal standards or amendments required State response and/or adoption, as detailed in Appendix F, and all were adopted within six months of Federal promulgation. All of the standards which the State enforces were adopted as identical State standards. No State variances were granted during the period.

B Mandated Activities Report for Consultation (MARC) (Private Sector)

The New Mexico FY 2007 MARC report for the private sector is included in Appendix C. New Mexico conducted a total of 179 private sector consultation visits during the period – 91 initial visits, 67 training and assistance visits, and 21 follow-up visits. The following is a summary of State performance on the MARC for the private sector.

MARC 1 Percent of Initial Visits in High Hazard Establishments

All of the 91 (100%) initial consultation visits were to high hazard establishments.

- MARC 2 Percent of Initial Visits to Smaller Businesses
- Of the 91 total initial visits, 89 (97.8%) were to establishments with 250 or fewer employees, and 90 (98.9%) were to establishments with 500 or fewer employees controlled by the employer.
- MARC 3 Percent of Visits Where Consultant Conferred with Employees
- Employees were conferred with during 97.8% (89/91) of the initial visits and 100% (21/21) of the follow-up visits conducted during the period. There were no training and assistance visits that included compliance assistance.
- MARC 4.A Percent of Serious Hazards Verified Corrected in a Timely Manner (within 14 days of latest correction due date)
- All of the 723 serious hazards identified during the period (100%) were verified corrected within 14 days of the latest correction due date. This is outstanding performance on ensuring employees are removed from exposure to serious hazards.
- MARC 4.B Percent of Serious Hazards Not Verified Corrected in a Timely Manner (within 14 days of latest correction due date)
- All of the 723 serious hazards identified during the period (100%) were verified corrected within 14 days of the latest correction due date.
- MARC 4.C Percent of Serious Hazards Referred to Enforcement
- No serious hazards identified during the period were referred to enforcement.
- MARC 5 Number of Uncorrected Serious Hazards with Correction Date more than 90 Days Past Due
- There were no uncorrected serious hazards with correction date more than 90 days past due.

C Mandated Activities Report for Consultation (MARC) (Public Sector)

The New Mexico FY 2007 MARC report for the public sector is included in Appendix C. New Mexico Consultants conducted 11 public sector consultation visits in FY 2006 – 6 initial visits and 5 training and assistance visits.

MARC measures 1 and 2 do not apply to the public sector, although data is included in the printout in Appendix C.

MARC 3 Percent of Visits where Consultant Conferred with Employees

Consultants conferred with employees during 100% (6/6) of initial visits.

MARC 4.A Percent of Serious Hazards Verified Corrected in a Timely Manner (within 14 days of latest correction due date)

All of the 25 serious hazards identified during the period (100%) were verified corrected within 14 days of the latest correction due date. This is outstanding performance on ensuring employees are removed from exposure to serious hazards.

MARC 4.B Percent of Serious Hazards Not Verified Corrected in a Timely Manner (within 14 days of latest correction due date)

All of the 25 serious hazards identified during the period (100%) were verified corrected within 14 days of the latest correction due date.

MARC 4.C Percent of Serious Hazards Referred to Enforcement

No serious hazards identified during the period were referred to enforcement.

MARC 5 Number of Uncorrected Serious Hazards with Correction Date more than 90 Days Past Due

There were no serious hazards with correction due date more than 90 days past due.

VI Other Issues

A 18(e) Determination Status

On April 1, 1999, former New Mexico Environment Department Secretary Peter Maggiore wrote to former Regional Administrator John Miles to request initiation of the 18(e) determination process. On May 4, 1999, John Miles sent a response indicating we would begin this process.

We started with a review of the 29 CFR 1902 regulations criteria and indices of effectiveness and began compiling the 18(e) determination outline. The 18(e) outline was provided to the State for input, and the Bureau Chief began working on the State response. Some plan documentation, including the New Mexico FOM, requires updating, and this is also being worked on.

A position was recently classified to a Management Analyst position, and this staff member is actively working on 18(e) issues. We will continue to work together toward achieving the goal of 18(e) final determination.

B State Internal Evaluation Program (SIEP)

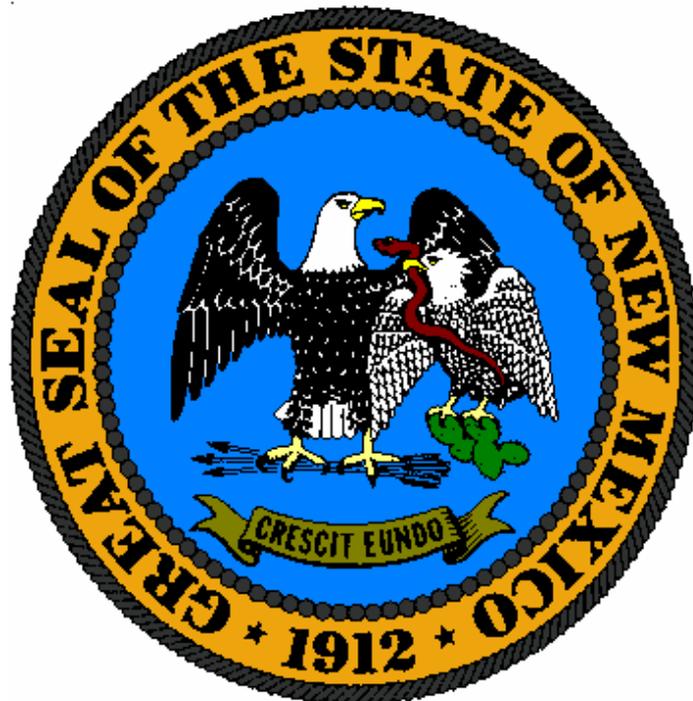
The State is developing an Internal Evaluation Program. A draft was developed in 2000, but has not yet been finalized. The OHS Bureau Chief has committed to completing the document as soon as possible. The recently-hired Management Analyst is also working on this issue.

APPENDIX A

New Mexico FY 2007 State Combined Annual Report (CAPR/SOAR)

State of New Mexico Environment Department
Occupational Health and Safety Bureau
Compliance and Consultation
Combined Annual Reports for Fiscal Year 2007

December 31, 2007



rdson, Governor

Ron Curry, Secretary

Butch Tongate, Bureau Chief

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Section 1 Executive Summary

Fiscal Year 2007 (FY07) was a successful year for the New Mexico Occupational Health and Safety Bureau (OHSB). The Bureau continued to expand its Voluntary Protection Program while exceeding most of its annual compliance and consultation goals.



The bureau built on the accomplishments from Fiscal Year 2006 and increased participation in all its partnership programs, increased training opportunities for New Mexico businesses, completed additional training for field staff, and continued a strong enforcement presence throughout the state.

OHSB focused its compliance efforts in a variety of industries in certain regions of the state. The strong enforcement presence continued in industries such as residential construction, agriculture, oil and gas, and convenience stores. The compliance section ended the year with 540 inspections (including 13 fatality investigations) and met most of its goals set forth in the established FY07 Local Emphasis Programs. This work resulted in the issuance of citations for 688 violations (including 12 willful and 26 repeat serious), and \$352,000 in penalties collected.

OHSB consultation provided voluntary compliance assistance services and outreach activities, and nurtured the partnership and alliance agreements signed by the bureau. The consultation section continued their visits across the state at convenience stores to assist owners and operators of these establishments in meeting the regulations that were adopted in 2004. They also completed other outreach initiatives of the bureau during 2007, which included meetings and presentations with Navajo Nation employees, farm labor organizations, the City of Las Cruces and Dona Ana County, Alamogordo Public Schools, construction safety training committees, landfill operators, underground utility construction staff, New Mexico Junior College, American Society of Safety Engineers and two equipment suppliers, Agua Fria Elementary School, Risk Management Division of the General Services Department, agricultural industry,

New Mexico Recycling Coalition, and numerous partnership and alliance members.

As OHSB worked towards meeting and exceeding the performance objectives for FY07, the bureau's two compliance assistance specialists worked to renew existing partnership and worked closely with new companies and organizations to continue to expand the number of cooperative agreements.

OHSB continued operations in the Las Cruces field office with one compliance officer located in this area. A supervisor was hired to help oversee personnel in the Albuquerque field office. This addition increased the effectiveness of resource utilization and allowed the bureau to continue to efficiently respond to safety and health issues in the state's largest metropolitan area.

OHSB was able to continue to expand its programs and maintain its strong enforcement and consultation efforts despite the fact that federal funding has increased by only 5.4% since FY04. OHSB must continue to evaluate its processes, be proactive in its efforts, and use its limited resources efficiently in order to meet the demands of industry and provide them with the highest level of services possible.

OHSB's FY07 Performance Plan and Local Emphasis Programs continued to target industries using the North American Industrial Classification System (NAICS) codes.

Section 2 Progress Toward Strategic Plan Accomplishment

Compliance Section

The OHSB Compliance Section continued to focus on strategic and annual performance plan goals during FY07 with an emphasis on strengthening enforcement efforts. OHSB issued willful citations to three separate construction companies in cases involving unprotected trenches and scaffold violations, resulting in the most significant penalties ever assessed by the Bureau. In addition, citations with significant penalties were issued to general contractors for repeated violations involving subcontractor employees in cases that reinforced OHSB authority to hold controlling employers responsible for worksite safety. D.R. Horton, general contractor, has challenged that authority in two contested cases that are awaiting hearing before the Occupational Health and Safety Review Commission (OHSRC).



Although there was a slight decrease in contested citations from FY06, the overall rate in FY07 continued to exceed historical rates due to strengthened enforcement. OHSB effectively handled the contest proceedings and was able to settle nearly all cases with favorable results that provided employee protection beyond regulatory requirements. Only one case was heard before the OHSRC in FY07 and although OHSB was not successful in affirming the violation, the Bureau's jurisdiction over important highway work zone safety hazards was affirmed.

As a result of the effectiveness of the concentrated inspection efforts that were conducted in the oil and gas and residential construction industries in FY06, a similar approach was repeated in FY07. A residential construction 'blitz' was conducted in Las Cruces during March that identified numerous scaffold and fall protection violations. The Compliance Section also completed preparation for Process Safety Management (PSM) oil refinery inspections and has four Compliance Officers, including two team leaders, fully trained and qualified to conduct inspections in FY08.

The OHSB and NMED effort to decentralize field personnel for more effective response to regulatory concerns continued in FY07. The Enforcement Section placed a supervisor in the Albuquerque office to ensure faster turnaround for inspection reports and subsequent correction of violations. In addition to the Compliance Officer stationed in Las Cruces, the section now has one supervisor and two Compliance Officers working primarily from Albuquerque. This decentralized approach has resulted in a more rapid response to reports of hazards, including imminent danger situations and accidents. An additional Compliance Officer is expected to be placed in Albuquerque early in FY08.

An OHSB Compliance Assistance Specialist conducted an informal training with City of Las Cruces and Dona Ana County officials to promote implementation of comprehensive health and safety programs in their jurisdictions.

Consultation Section

The Consultation Section continued to make a significant impact with its partnerships, voluntary compliance, and outreach activities. Activities of the Consultation Program included participating in an inter-agency working group to address mold issues generated by flooding in numerous parts of the state, participating in the annual Associated Builders and Contractors safety awards luncheon, and speaking at the American Society of Safety Engineers New Mexico Chapter meeting.

Members of the OHSB's consultation program conducted visits to seven buildings owned by the Town of Hatch to assess potential mold problems following flooding. Two OHSB representatives met with teachers, the principal, a union representative, the school nurse, and facility managers at Agua Fria Elementary School in Santa Fe to discuss potential health issues relating to a water-damaged portable classroom at the school.

Consultation staff, along with the American Society of Safety Engineers and two equipment suppliers, sponsored a "Fall Protection Summit" in Albuquerque and Farmington the week of February 5, 2007.

Two members of the OHSB consultation staff and the safety director of one of the bureau's partner companies provided training to Navajo Nation employees in Farmington on a variety of safety topics. Consultation staff delivered presentations on field sanitation requirements at farm labor conferences held in Deming, Rincon, and Las Cruces and taught portions of a safety course addressing underground utility construction in Farmington.

The Consultation Program Manager met with officials of New Mexico Junior College in Hobbs to discuss joint training efforts focusing on oil and gas and construction.

The bureau is focusing on increasing the delivery of consultation services to companies in the oil and gas industry in both the Permian Basin and San Juan Basin. Consultation staff attended the Four Corners Chapter of the American Society of Safety Engineers' meeting to promote training and consultation for businesses in the Four Corners area and an OHSB consultant traveled to Hobbs to be the guest speaker for the American Society of Safety Engineers chapter meeting.

OHSB's Consultation Program Manager gave two presentations at a conference sponsored by the Risk Management Division of the General Services Department. He also gave a presentation on health and safety issues in the agricultural industry at the town hall meeting in Deming on August 23, 2007.

The OHSB Chief presented information at Landfill Operators Certification Courses in Silver City on March 22 and in Moriarty on August 23. He also gave a presentation to the board of directors of the New Mexico Recycling Coalition regarding the Local Emphasis Program for Solid Waste Collection, Disposal, and Recycling planned for FFY 08.

The consultation section provided annual safety visits in southern New Mexico covering 25 agriculture contractors that affected approximately 250 employees.



Cooperative Programs

During FY 2007, participation in cooperative agreements continued to increase, as did the number of consultation requests received. These increases were possible, in part, to the many informative health and safety meetings, presentations, and training sessions conducted by OHSB.

OHSB's Compliance Assistance Specialist coordinated a briefing by Intel's health and safety managers to members of the City of Las Cruces Safety Committee. Cooperative member companies made a difference by volunteering their valuable workplace health and safety expertise.

OHSB sponsored 10-hour training courses in Spanish and English for construction industry supervisors in Albuquerque and Santa Fe under the Hispanic Initiative Contract. The class members included a variety of individuals such as construction business owners, a wastewater treatment plant supervisor, an underground utility construction supervisor, and numerous representatives of the residential construction industry.

OHSB continued to utilize new methods to recognize employers who go above and beyond minimum standards to ensure a safe and healthy working environment for their employees. Names of the participants are posted on the State website. OHSB awards each qualifying employer with a banner that can be prominently displayed at their worksites. OHSB continues to explore new ways of promoting the companies in all of its partnership and alliance agreements.

OHSB's cooperative programs include the following:

1. Voluntary Protection Program (VPP)

The Zia Star Voluntary Protection Program recognizes and showcases employers who have implemented exemplary health and safety programs. The VPP program requires that participating companies implement health and safety programs that go beyond OSHA standards, that company managers are fully committed to creating a culture of safety within the organization, and that all employees are empowered to address health and safety issues. In FY07, OHSB saw its sixth year of program implementation and fourth year of onsite reviews for program applicants. Two new sites,

Conoco Phillips and Operations Management International (OMI), were approved in 2007.

The Conoco Phillips San Juan Gas Plant in Bloomfield, New Mexico was approved as a Zia Star Site in January 2007. The facility utilized the state’s mentoring program, where safety personnel from an existing Zia Star site, Georgia Pacific, assisted Conoco Phillips with the application and preparation process. Several members of the OHSB attended the presentation ceremony of Voluntary Protection Program status to Conoco-Phillips San Juan Gas Plant in Farmington on March 16, 2007.

OMI, a CH2M Hill company, achieved Zia Star status in June 2007. OMI operates water and wastewater management systems for the City of Rio Rancho. The site also used the New Mexico mentoring program, allowing OHSB to more effectively utilize resources in achieving program goals.

Current Participants in the VPP program include:

| COMPANY | LOCATION |
|-------------------------------------|--------------|
| Conoco-Phillips San Juan Gas Plant | Bloomfield |
| Georgia Pacific (Vista Corrugated) | Santa Teresa |
| Honeywell Aerospace -Albuquerque | Albuquerque |
| Intel Corporation | Rio Rancho |
| Operations Management International | Rio Rancho |
| Roco Safety | Rio Rancho |

2. Safety and Health Achievement Recognition Program (SHARP)

SHARP is a partnership program that recognizes individual small companies that exceed stringent health and safety standards in the workplace.

During FY07, AUI Inc. became the eighth New Mexico employer to achieve SHARP status. The company was presented a certificate and banner during a ceremony at its facility.

Current Participants in the SHARP program include:

| COMPANY | LOCATION |
|---------------------------------------|-------------|
| Tri-State Generation and Transmission | Prewitt |
| Jule-Art, Inc. | Albuquerque |
| Sennheiser New Mexico, LLC | Albuquerque |
| Rea Magnet Wire | Las Cruces |
| Craftics, Inc. | Albuquerque |
| La Farge Southwest-Santa Fe Block | Santa Fe |
| Lumber Products | Albuquerque |
| AUI, Inc | Albuquerque |

3. Construction Agreement for Residential Employee Safety (CARES)

The Construction Agreement for Residential Employee Safety is a program that involves health and safety partnerships between OHSB and individual companies involved in residential construction, including general contractors, framers, roofers, electricians, painters, and lath and plaster companies. During FY07, OHSB maintained the number of CARES program agreements with residential construction companies at 33. Participants in the program agree to implement comprehensive safety programs that apply to their employees and subcontractors. In addition to consultation services from OHSB, the companies that maintain good standing in the program are exempt from programmed planned inspections.



At a ceremony in Rio Rancho on October 13, 2006, Pulte Homes was presented a certificate by the OHSB as the first company to achieve the Superior level in the CARES program. By joining the program, Pulte committed to ensuring that all its employees and subcontractors comply with the provisions of its corporate safety program.

Current Participants in the CARES program include:

| COMPANY | LOCATION |
|--|-------------|
| AGR Construction Co, Inc. | Albuquerque |
| A-Management Lath and Plaster | Albuquerque |
| Amestoy Drywall | Albuquerque |
| Atrisco Construction | Albuquerque |
| Builders Choice Painting | Albuquerque |
| Centex Homes | Albuquerque |
| Charter Building and Development Corp. | Albuquerque |
| Chavez Lath and Plaster | Albuquerque |
| Chavez Roofing | Albuquerque |
| Corinthian Construction, Inc. | Albuquerque |

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|---|-------------|
| Homelife Communities of New Mexico, Inc. | Albuquerque |
| J.A.M.M. Construction | Albuquerque |
| Jenamar New Mexico | Albuquerque |
| Lopez Roofing Services, Inc. | Albuquerque |
| Magnum Builders | Albuquerque |
| National Kurb Kut, Inc. | Albuquerque |
| Otero and Sons Roofing | Albuquerque |
| O'Dell Corporation | Albuquerque |
| Primos Construction | Albuquerque |
| Pulte Homes of New Mexico | Albuquerque |
| Stillbrooke Homes, Inc. | Albuquerque |
| Tiffany Homes Southwest | Corrales |
| Accent Homes | Las Cruces |
| Camino Real Builders, Inc. | Las Cruces |
| Diemer Building and Remodeling, Inc | Las Cruces |
| Flair Homes, Inc. | Las Cruces |
| Thurston Equity Corporation | Las Cruces |
| Westbrook Homes | Las Cruces |
| Broken Hammer Construction | Los Lunas |
| K&N Construction | Los Lunas |
| Southwest Stucco dba Southwest Realty and Development | Rio Rancho |
| Wallen Builders Ltd. Co. | Rio Rancho |
| Tierra Concepts | Santa Fe |

4. Associated General Contractors (AGC) Construction Health and Safety Excellence (CHASE)

The Construction Health and Safety Excellence program is a health and safety partnership with AGC that offers incentives to those who qualify by following prescribed standards and maintaining low injury incidence rates. The AGC partnership agreement began its fourth year under the revised agreement with OHSB. The compliance assistance specialist completed numerous verification visits on all participants in the program.



On December 22, 2007 of the OHSB presented Beaty Construction with a partnership banner for the “Construction Health and Safety Excellence” partnership at the Shamrock Foods construction site in Albuquerque.

Several members of OHSB visited the Albuquerque Studios construction site at the invitation of one of our CHASE partners, Jaynes Structures. The facility includes two 48,000 square-foot movie studios, two 36,000 square-foot movie studios, a construction shop/warehouse, and offices. The first movie production company to lease space from the owners started filming in January 2007.



Current Participants in the AGC CHASE program include:

| COMPANY | LEVEL |
|---------|-------|
|---------|-------|

| | |
|---|-------|
| American National Insulation & Sealants | Blue |
| AUI | Blue |
| B&D Industries | Blue |
| Beaty Construction | Blue |
| Big J Enterprises, LLC. | Blue |
| DKD Electric, LLC. | Blue |
| Gerald Martin General Contractor | Blue |
| J.B. Henderson Const. Co., Inc. | Blue |
| Jaynes Corporation | Blue |
| Jaynes Structures, Inc. | Blue |
| Lockwood Construction Co. | Blue |
| Noel Company | Blue |
| Territorial Scaffold, Inc. | Blue |
| Western States Fire Protection | Blue |
| Yearout Mechanical and Engineering | Blue |
| Crane Services | White |
| Four Suns Builders, Inc. | White |
| Miller Bonded, Inc. | White |
| Precision Masonry, Inc. | White |
| Richardson and Richardson, Inc. | White |
| Star Construction, Inc. | White |
| Bradbury Stamm Construction | Red |
| Ferreri Concrete Structures, Inc. | Red |
| Formwork Specialists, Inc. | Red |
| Franken Construction Co. | Red |

5. Oil and Gas Safe Site Program (OGSSP)

The Oil & Gas Safe Site Program is a health and safety partnership that offers incentives to employers involved in drilling, servicing and all related business in the oil and gas industry. The partnership recognizes companies which qualify as being superior in promoting safe and healthful work places in New Mexico.

Participants that have achieved the superior level in the program during FFY 2007 are:

| COMPANY | LOCATION |
|--------------------------------|-----------|
| Aztec Well Servicing Co., Inc. | Aztec, NM |
| Mc Vay Drilling Company | Hobbs, NM |

6. Associated Builders and Contractor Construction Leaders Agreement for Safety (CLAS)

The Construction Leaders Agreement for Safety program is a workplace health and safety partnership between OHSB and Associated Builders and Contractors that started in 2004. OHSB presented a banner to AUI, Inc. on December 5, 2006, to recognize the company's participation in the CLAS partnership and its excellent safety record. The presentation was made at the San Juan Chama Pipeline Project worksite in Albuquerque. On December 22, 2006, OHSB presented Beaty Construction with a CLAS partnership banner at the Shamrock Foods construction site in Albuquerque.

Current Participants in the ABC CLAS program include:

| COMPANY | LEVEL |
|---|----------|
| Andy Lee General Contractor, LLC | Platinum |
| AUI, Inc. | Platinum |
| Big J Enterprises, LLC | Platinum |
| Brycon Construction | Platinum |
| Construction Contracting and Management (CCM) | Platinum |
| D.R.B. Electric, Inc. | Platinum |
| Flintco, Inc. | Platinum |
| Klinger Constructors, LLC | Platinum |
| Mechanical Concepts Ltd. Co. | Platinum |
| Michael S. Rich Contractors, Inc. | Platinum |
| Reid and Associates, Inc. | Platinum |
| Service Electrical Co. | Platinum |
| Sundance Mechanical and Utility Corporation | Platinum |
| AllSteel, Inc. | Gold |
| Ashcroft Mechanical | Gold |
| Beaty Construction | Gold |
| DKD Electric, LLC | Gold |
| Platinum Builders Cooperation | Gold |

| | |
|-----------------------|--------|
| SDV Construction Inc. | Gold |
| TLC Plumbing | Silver |

7. National Utility Contractors Association, Rio Grande Chapter (NUCA)

The NUCA alliance with OHSB focuses on training and education, outreach and communication, as well as promotion of workplace safety and health. The Alliance between OHSB and NUCA of New Mexico continued during FY07, with a total of 21 contractors. The Association continued its training efforts by providing OSHA 10-hour training courses in English and Spanish simultaneously. The efforts of NUCA to reach out to Hispanic workers in their Association were consistent with the outreach efforts of the bureau.



Current Participants in the NUCA Alliance program include:

| COMPANY | |
|--------------------------------------|--|
| Albuquerque Asphalt, Inc. | AUI, Inc. |
| Cone Construction Corp. | Construction Contracting and Management |
| ERS Constructors Pipeline Division | Franklins Earthmoving, Inc. |
| Hydro-Systems, Inc. | J&D Excavating, Inc. |
| New Concepts, Inc. | New Mexico Underground Contractors, Inc. |
| PCL Construction of New Mexico, Inc. | Python Construction Company |
| RMCI, Inc. | DH Underground, Inc. |
| Smith & Aguirre | Sundance Mechanical & Utility Corp. |

| | |
|--------------------------------------|------------------------------------|
| TLC Plumbing & Utility, Inc. | Triad Builders of New Mexico, Inc. |
| Triman Construction Industries, Inc. | Vis-Com, Inc. |
| Western Summit of New Mexico | |

Administrative Section

OHSB and the Environment Department Office of General Counsel continued working on proposed amendments to OHSB regulations. The major changes are: (1) clarification of the regulations covering private interviews of employees; (2) new provisions to allow citations to be settled prior to the filing of a contest by the employer; and (3) two relatively minor changes to convenience store regulations (unobstructed view of the sales counter from outside the store and an increase in the maximum amount of cash in the register (from \$50 to \$150) during late night hours). There are also several updates to various references and some style edits and format changes to conform with regulatory requirements of State Records and Archives.

During FY07 New Mexico participation in the monthly Information Technology (IT) Technical User’s Teleconferences continued. Administrative staff who work with the Integrated Management Information System (IMIS) continue to monitor case files for consistency. OHSB administrative staff members also participated in the OSHA Information System (OIS) development by reconciling establishment names in compliance and consultation case files to facilitate data transfer when OIS becomes operational.

New Mexico continued its participation in the Log Data Collection Program. During FY07, New Mexico was assigned 257 units to be collected for calendar year 2007. The final response rate was one hundred percent (100%), the useable clean rate was one hundred percent (100%), and the useable clean response rate was one hundred percent (100%). Efforts to refine the database are ongoing and participation in the Log Data Collection Program will continue in FY08.

For the first time in recent memory, the bureau was able to utilize all federal grant funds during the fiscal year. This accomplishment was made possible by an increase in appropriated state general funds to overmatch available federal funds and by the diligent efforts of the bureau’s financial staff to effectively budget, encumber, and expend available funding in a timely manner.

In conclusion, the OHSB effectively utilized available resources to accomplish planned activities in the compliance, consultation, and administrative sections of the bureau. Primary outcome data indicates that the strategies and activities undertaken were effective in accomplishing the goals and objectives as outlined in the FY07 Performance Plan. Another sign that OHSB efforts are assisting in decreasing work related accidents across the state is the New Mexico Workers' Compensation Administration’s 2005 annual report which announced a reduction in work-related fatalities from 7.12 fatalities per 100,000 workers in 2004 to 4.21 fatalities per 100,000 workers in 2005 (Source: New Mexico Workers' Compensation Bulletin, Winter 2007). In late 2006 the Bureau of Labor Statistics released injury incidence rates for 2005. The total recordable cases for all industries in New Mexico (including state and local government) dropped from 5.6 per 100 employees in 2004 to 5.2 in 2005. In construction, the rate dropped from 5.2 to 4.4, indicating the success of partnership programs between OHSB and construction industry businesses and associations. The bureau expects to continue having a positive impact on the reduction of workplace injuries, illnesses, and fatalities in FY08.

APPENDIX A

Summary of Annual Performance Plan Results for Compliance and Consultation Fiscal Year 2007

- Performance Goal 1.1 – Influence the reduction of silica exposure to employees by conducting six (6) health enforcement interventions and (6) health consultation interventions during FY07.
- Performance Goal 1.2 – Reduce hazards, injuries, and illnesses by 3% in three high-hazard industries by conducting (200) inspections and fifteen (15) visits in Construction (NAICS 236-238), ten (10) inspections and ten (10) visits in Fabricated Metal Products (NAICS 332-337, 339), and fifteen (15) inspections and five (5) visits in Stone, Clay & Glass Products (NAICS 327).
- Performance Goal 1.3 – Influence the reduction of employee exposure to workplace violence by conducting six (6) safety enforcement inspections and six (6) safety consultation inspections in FY07.
- Performance Goal 2.1 – Reduce exposure to the causes of fatalities in the industries where most fatalities occur: (Construction – NAICS 236-238; Oil/Gas Well Drilling and Servicing – NAICS 211 and 213).
- Performance Goal 2.2 – Reduce the number of fatalities in the industries where most fatalities occur.
- Performance Goal 2.3 – To timely respond to notices of fatalities by initiating 90% of inspections within 1 working day.

| 5 Year Performance Goal: 1.1: Influence and monitor improvements in workplace safety and health designed to reduce the incidence of injury and illness for all New Mexico employees by FY 2009. | | | |
|---|---|---|----------|
| FY 2007 Performance Goal 1.1: Influence the reduction of silica exposure to employees by conducting six (6) health enforcement interventions and (6) health consultation interventions during FY07. | | | |
| Performance Indicator Type | Indicator | Results | Comments |
| Activity Measures | <ul style="list-style-type: none"> • Number of enforcement health inspections with LEP code SILICA • Number of initial consultation health visits with LEP code SILICA • Number of OSHA 55 interventions with LEP code SILICA • Number of OSHA 66 interventions with LEP code SILICA | <ul style="list-style-type: none"> • Conducted 6 enforcement inspections related to Silica. • Conducted 1 initial consultative visit related to Silica. • There were twelve OSHA 55 interventions conducted related to Silica. • Conducted four OSHA 66 interventions related to Silica. | |
| Intermediate Outcome Measures | <ul style="list-style-type: none"> • Number of inspections with identified Silica exposures • Number of those inspections with identified Silica exposure with abatement of citations • Number of initial visits with identified Silica exposures • Number of those initial visits with identified Silica exposure with correction of hazards | <ul style="list-style-type: none"> • There were zero enforcement inspections with identified Silica exposures. • There were zero enforcement inspections with Silica exposure abated. • There were zero initial visits with identified Silica exposure. • There were zero consultation visits with Silica exposure. | |

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|--------------------------|---|--|--|
| Primary Outcome Measures | <ul style="list-style-type: none"> Percent reduction in Silica exposure <p>Baseline for Silica Exposures: In establishments with inspections and visits, the average of all employee Silica respirable and/or total dust levels at the time of inspection or visit. (1mg/m³ respirable). Baseline includes levels for silica overexposure cases only.</p> | | 6 enforcement inspections and 1 consultation visits relating to possible silica exposure were conducted. No over exposures were documented. 16 interventions were conducted. |
|--------------------------|---|--|--|

5 Year Performance Goal: 1.2

Reduce injuries and illnesses by 15%, using DART rates, in three industries characterized by high-hazard workplaces by FY 2009.

FY 2007 Performance Goal: 1.2

Reduce hazards, injuries, and illnesses by 3% in three high-hazard industries by conducting (200) inspections and fifteen (15) visits in Construction (NAICS 236-238), ten (10) inspections and ten (10) visits in Fabricated Metal Products (NAICS 332-337, 339), and fifteen (15) inspections and five (5) visits in Stone, Clay & Glass Products (NAICS 327).

| Performance Indicator Type | Indicator | Results | Comments |
|----------------------------|---|---|---|
| Activity Measures | <ul style="list-style-type: none"> Number of enforcement inspections in Construction (NAICS 236-238) Number of enforcement inspections in Fabri-cated Metal Products (NAICS 332-337, 339) Number of enforcement inspections in Stone, Clay & Glass Products (NAICS 327) Number of initial consultation visits Construction (NAICS 236-238) Number of initial consultation visits in Fabricated Metal Products (NAICS 332-337, 339) | <ul style="list-style-type: none"> There were 306 enforcement inspections in Construction (NAICS 236-238). There were 10 enforcement inspections in Fabricated Metal Products (NAICS 332-337, 339). There were 14 enforcement inspections in Stone, Clay & Glass Products (NAICS 327). There were 20 initial consultation visits in Construction (NAICS 236-238). There were 4 initial consultation visits in Fabricated Metal Products (NAICS 332-337, 339). There were 3 initial consultation visits in Stone, Clay & Glass Products (NAICS 327). | <p>14 training, 3 follow-up</p> <p>4 training, 1 follow-up</p> <p>1 training, 1 follow-up</p> |

| | | | |
|-------------------------------|---|--|---|
| | <ul style="list-style-type: none"> • Number of initial consultation visits in Stone, Clay & Glass Products (NAICS 327) • Number of OSHA 55 interventions in Construction (NAICS 236-238) • Number of OSHA 55 interventions in Fabricated Metal Products (NAICS 332-337, 339) • Number of OSHA 55 interventions in Stone, Clay & Glass Products (NAICS 327) • Number of OSHA 66 interventions in Construction (NAICS 236-238) • Number of OSHA 66 interventions in Fabricated Metal Products (NAICS 332-337, 339) • Number of OSHA 66 interventions in Stone, Clay & Glass Products (NAICS 327) | <ul style="list-style-type: none"> • There were 171 enforcement OSHA 55 interventions in Construction(NAICS 236-238). • There was 1 OSHA 55 intervention in Fabricated Metal Products (NAICS 332-337, 339). • There were 7 OSHA 55 interventions in Stone, Clay & Glass Products (NAICS 327). • There were 20 OSHA 66 interventions in Construction (NAICS 236-238). • There were 6 OSHA 66 interventions in Fabricated Metal Products (NAICS 332-337, 339). • There were 2 OSHA 66 interventions in Stone, Clay & Glass Products (NAICS 327). | |
| Intermediate Outcome Measures | <ul style="list-style-type: none"> • Number of inspections with identified violations in Construction (NAICS 236-238) • Number of inspections with identified violations in Fabricated Metal Products (NAICS 332-337, 339) • Number of inspections with identified violations in Stone, Clay & Glass Products (NAICS 327) • Number of those inspections with abatement of violations in Construction (NAICS 236-238) | <ul style="list-style-type: none"> • There were 112 inspections with identified violations in Construction (NAICS 236-238). • There were 11 inspections with identified violations in Fabricated Metal Products (NAICS 332-337, 339). • There were 12 inspections with identified violations in Stone, Clay & Glass Products (NAICS 327). • There were 101 inspections with violations abated in Construction (NAICS 236-238). | <p>390 violations issued</p> <p>27 violations issued</p> <p>49 violations issued</p> <p>6 contested; 2 collection; 3 not received (1 follow-up scheduled);334 violations abated</p> |

| | | | |
|--------------------------|---|--|--|
| | <ul style="list-style-type: none"> • Number of those inspections with abatement of violations in Fabricated Metal Products (NAICS 332-337, 339) • Number of those inspections with abatement of violations in Stone, Clay & Glass Products (NAICS 327) • Number of visits with identified hazards in Construction (NAICS 236-238) • Number of visits with identified hazards in Fabricated Metal Products (NAICS 332-337, 339) • Number of visits with identified hazards in Stone, Clay & Glass Products (NAICS 327) • Number of those visits with abatement of hazards in Construction (NAICS 236-238) • Number of those visits with abatement of hazards Fabricated Metal Products (NAICS 332-337, 339) • Number of those visits with abatement of hazards in Stone, Clay & Glass Products (NAICS 327) | <ul style="list-style-type: none"> • There were 10 inspections with violations abated in Fabricated Metal Products (NAICS 332-337, 339). • There were 12 inspections with violations abated in Stone, Clay & Glass Products (NAICS 327). • There were 19 visits with identified hazards in Construction (NAICS 236-238). • There were 4 visits with identified hazards in Fabricated Metal Products (NAICS 332-337, 339). • There were 3 visits with identified hazards in Stone, Clay & Glass Products (NAICS 327). • There were 12 visits with hazards abated in Construction (NAICS 236-238). • There were 4 visits with hazards abated in Fabricated Metal Products (NAICS 332-337, 339). • There were 3 visits with hazards abated in Stone, Clay & Glass Products (NAICS 327). | <p>1 – not yet due</p> <p>Seven are awaiting abatement</p> |
| Primary Outcome Measures | <ul style="list-style-type: none"> • Percent reduction in the injury/illness rate of establishments receiving an inspection or visits • Percent reduction in the injury/illness rate of the three industries | | |

| | <p>Baseline for All Construction (Div. C) BLS DART Rates</p> <p style="text-align: center;"><u>CY03</u></p> <p>NAICS 236 = 3.1 NAICS 237 = 3.1 NAICS 238 = 3.3</p> <p>Baseline for Fabricated Metal Products BLS DART Rates</p> <p style="text-align: center;"><u>CY03</u></p> <p>NAICS 332 = 5.4 NAICS 333 = 3.6 NAICS 334 = 1.2 NAICS 335 = ND NAICS 336 = 2.9 NAICS 337 = ND NAICS 339 = 3.8</p> <p>Baseline for Stone, Glass, and Clay Products BLS DART Rates</p> <p style="text-align: center;"><u>CY03</u></p> <p>NAICS 327 = 2.8</p> | <table border="1"> <thead> <tr> <th><u>CY06 BLS Survey</u></th> <th><u>DART Rate</u></th> <th><u>Percentage Change</u></th> </tr> </thead> <tbody> <tr> <td>NAICS 236 =</td> <td>4.7</td> <td>51.6%</td> </tr> <tr> <td>NAICS 237 =</td> <td>ND</td> <td>Cannot Calculate</td> </tr> <tr> <td>NAICS 238 =</td> <td>3.4</td> <td>3.0%</td> </tr> <tr> <td>NAICS 332 =</td> <td>ND</td> <td>Cannot Calculate</td> </tr> <tr> <td>NAICS 333 =</td> <td>2.9</td> <td>-19.4%</td> </tr> <tr> <td>NAICS 334 =</td> <td>1.1</td> <td>-8.3%</td> </tr> <tr> <td>NAICS 335 =</td> <td>ND</td> <td>Cannot Calculate</td> </tr> <tr> <td>NAICS 336 =</td> <td>ND</td> <td>Cannot Calculate</td> </tr> <tr> <td>NAICS 337 =</td> <td>ND</td> <td>Cannot Calculate</td> </tr> <tr> <td>NAICS 339 =</td> <td>3.2</td> <td>-15.8%</td> </tr> <tr> <td>NAICS 327 =</td> <td>3.7</td> <td>32.1%</td> </tr> </tbody> </table> | <u>CY06 BLS Survey</u> | <u>DART Rate</u> | <u>Percentage Change</u> | NAICS 236 = | 4.7 | 51.6% | NAICS 237 = | ND | Cannot Calculate | NAICS 238 = | 3.4 | 3.0% | NAICS 332 = | ND | Cannot Calculate | NAICS 333 = | 2.9 | -19.4% | NAICS 334 = | 1.1 | -8.3% | NAICS 335 = | ND | Cannot Calculate | NAICS 336 = | ND | Cannot Calculate | NAICS 337 = | ND | Cannot Calculate | NAICS 339 = | 3.2 | -15.8% | NAICS 327 = | 3.7 | 32.1% | <p>The DART rate for all Div. C was 3.6 in 2006, an increase of 13% from 2003. There are two primary factors affecting the increase: 1) Small sampling size for rates; and 2) An increase in industry activity with inexperienced workers.</p> <p>The primary factor for the increase in NAICS 327 is the small sampling size. Long term (10-year) analysis continues to show overall decreases in DART rates.</p> |
|------------------------|---|---|------------------------|------------------|--------------------------|-------------|-----|-------|-------------|----|------------------|-------------|-----|------|-------------|----|------------------|-------------|-----|--------|-------------|-----|-------|-------------|----|------------------|-------------|----|------------------|-------------|----|------------------|-------------|-----|--------|-------------|-----|-------|--|
| <u>CY06 BLS Survey</u> | <u>DART Rate</u> | <u>Percentage Change</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 236 = | 4.7 | 51.6% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 237 = | ND | Cannot Calculate | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 238 = | 3.4 | 3.0% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 332 = | ND | Cannot Calculate | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 333 = | 2.9 | -19.4% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 334 = | 1.1 | -8.3% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 335 = | ND | Cannot Calculate | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 336 = | ND | Cannot Calculate | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 337 = | ND | Cannot Calculate | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 339 = | 3.2 | -15.8% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NAICS 327 = | 3.7 | 32.1% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| <p>5 Year Performance Goal: 1.3 Influence the reduction of exposures to injury due to workplace violence in the convenience stores by 15% by FY 2009.</p> |
| <p>FY 2007 Performance Goal: 1.3 Influence the reduction of employee exposure to workplace violence by conducting six (6) safety enforcement inspections and six (6) safety consultation inspections in FY07.</p> |

Appendix A

| Performance Indicator Type | Indicator | Results | Comments |
|----------------------------|---|--|---|
| Activity Measures | <ul style="list-style-type: none"> • Number of violations cited under 11.5.6 NMAC on inspections of convenience stores establishments • Number of hazards identified under 11.5.6 NMAC during onsite consultation visits of convenience stores establishments • Development of outreach and training materials for convenience store employers and employees • Outreach efforts to regulated community on convenience store (OSHA 55 interventions) • Outreach efforts to regulated community on convenience store (OSHA 66 interventions) • Number of enforcement inspections to convenience stores • Number of consultation visits to convenience stores | <ul style="list-style-type: none"> • There were 21 violations cited under 11.5.6 NMAC on inspections of convenience stores. • There were 3 hazards under 11.5.6 NMAC identified during onsite consultation visits of convenience stores. • There were zero outreach and training documents developed for convenience store employers and employees. • There were zero outreach efforts to regulated community conducted for convenience store (OSHA 55 interventions). • There was 1 outreach effort for convenience stores (OSHA 66 interventions). • There were 19 enforcement inspections to convenience stores conducted. • There were 3 consultation visits to convenience stores conducted. | <p>One violation of electrical standards was cited during a convenience store inspection. 19 inspections conducted: 9 with citations; 2 with citations after FY06; 8 closed files with no citations; zero files still pending review.</p> |
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| Intermediate Outcome Measures | <ul style="list-style-type: none"> Number of identified violations under 11.5.6 NMAC cited on inspections of convenience stores, which have been abated Number of identified hazards under 11.5.6 NMAC noted on visits of convenience stores, which have been corrected | <ul style="list-style-type: none"> There were 19 identified violations under 11.5.6 NMAC cited on inspections of convenience stores abated. There were 3 identified hazards under 11.5.6 NMAC noted on visits of convenience stores corrected. | One contested case with three violations. Only two violations were related to convenience store regulations. The third citation was a violation of the electrical standard. |
| Primary Outcome Measures | <ul style="list-style-type: none"> Percent reduction in the number of violations/hazards cited/identified at convenience store establishments. <p><u>Baseline:</u> FY 06 data: .48 violations per inspection (27 inspections; 13 violations)</p> | <ul style="list-style-type: none"> FY07 results: 1.11 violations per inspection (19 inspections; 21 violations) <p>.63/.48 = 131% increase in violations per inspection</p> | The increase in violations per inspection can be partially attributed to increased proficiency of compliance officers in identifying violations. |

| 5 Year Performance Goal: 2.1 Reduce exposure to the causes of fatalities in the industries where most fatalities occur. | | | |
|--|---|---|---|
| FY 2007 Performance Goal: 2.1 Reduce exposure to the causes of fatalities in the industries where most fatalities occur: (Construction – NAICS 236-238; Oil/Gas Well Drilling and Servicing – NAICS 211 and 213) | | | |
| Performance Indicator Type | Indicator | Results | Comments |
| Activity Measures | <ul style="list-style-type: none"> Number of violations relating to the top four causes of construction fatalities cited on construction inspections Number of hazards relating to the top four causes of construction fatalities identified during onsite consultation visits Number of serious, willful, and repeat violations cited on oil/gas well drilling and servicing inspections Number of serious or imminent danger hazards identified during oil/gas well drilling and servicing onsite consultation visits | <ul style="list-style-type: none"> 284 violations related to the top four causes of construction fatalities were cited on construction inspections. 183 hazards related to the top four causes of construction fatalities were identified during onsite consultation visits. 36 serious, willful, or repeat violations cited on oil/gas inspections. 85 serious or imminent danger hazards cited on oil/gas onsite consultation visits. | OHSB is using falls, electrical, caught in/between, and struck by as the top four causes of construction fatalities. |
| Intermediate Outcome Measures | <ul style="list-style-type: none"> Number of identified violations relating to the top four causes of construction fatalities cited on construction inspections, which have been abated Number of identified hazards relating to the top four causes of construction fatalities identified during onsite consultation visits, which have been corrected | <ul style="list-style-type: none"> 231 identified violations related to the top four causes of construction fatalities cited were abated. 183 identified hazards relating to the top four causes of construction fatalities were corrected. 36 serious, willful, and repeat | 2 collection cases with 9 violations; 1 contested with 2 violations; 3 overdue abatement cases with 15 violations; 6 review commission cases with 27 violations |

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| | <ul style="list-style-type: none"> Number of serious, willful, and repeat violations cited on oil/gas well drilling and servicing inspections, which have been abated Number of serious, imminent danger, and repeat hazards identified on oil/gas well drilling and servicing onsite consultation visits, which have been corrected | <p>violations cited on oil/gas well drilling and servicing inspections were abated.</p> <ul style="list-style-type: none"> 85 serious, imminent danger, or repeat hazards were identified on oil/gas well drilling and servicing onsite consultation visits were corrected. | |
| Primary Outcome Measures | <ul style="list-style-type: none"> Percent reduction in identified exposures relating to falls, electrical, caught in/between, and struck by construction fatalities Percent reduction in exposures relating to fatalities in oil/gas well drilling and servicing <p><u>Baseline:</u> For Construction: 5-year average of top four violations cited on inspections and hazards identified during consultation visits. (1999-2003)</p> <p><u>Enforcement</u> 1179 violations / 5 years = 235.8 violations</p> <p><u>Consultation</u> 297 hazards / 5 years = 59.4 hazards</p> <p>For Oil/Gas Well Drilling and Servicing: 5-year average of SRW violations cited on inspections and SRW hazards identified during consultation visits.</p> <p><u>Enforcement</u></p> | <p><u>For Construction: Enforcement</u></p> $48.2 / 235.8 = 20.4\% \text{ increase}$ <p><u>Consultation</u></p> $123.6 / 59.4 = 208.1\% \text{ increase}$ <p><u>For Oil/Gas Well Drilling and Servicing: Enforcement</u></p> $29.6 / 6.4 = 462.5\% \text{ increase}$ <p><u>Consultation</u></p> $82.8 / 2.2 = 3,764\% \text{ increase}$ | <p>In FY07, OHSB compliance conducted a residential construction blitz, thus increasing the number of violations cited in FY07.</p> <p>In FY06, OHSB consultation renewed the CARES program and in FY06 and FY07 had one consultant assigned almost exclusively to the residential construction industry, thus accounting for the huge increase in the number of visits conducted and number of hazards identified over the baseline years.</p> <p>In FY07 (as in FY06), OHSB compliance conducted an oil/gas blitz, which consisted of 49 inspections. This was approximately a 435% increase in the average number of inspections conducted by OHSB during the baseline period, thus increasing the number of violations cited in FY07.</p> <p>In FY07, OHSB consultation had one consultant assigned almost exclusively to the oil and gas industry, thus accounting for the</p> |

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| | <p>32 violations / 5 years = 6.4 violations</p> <p><u>Consultation</u></p> <p>11 hazards / 5 years = 2.2 hazards</p> | | <p>tremendous increase in the number of visits conducted (63) and number of hazards identified (162) over the baseline years.</p> |
|--|--|--|---|

| <p>5 Year Performance Goal: 2.2 Reduce the number of fatalities in the industries where most fatalities occur.</p> | | | |
|--|---|--|---|
| <p>FY 2007 Performance Goal: 2.2 Reduce the number of fatalities in the industries where most fatalities occur.</p> | | | |
| Performance Indicator Type | Indicator | Results | Comments |
| Activity Measures | <p>Construction:</p> <ul style="list-style-type: none"> • Number of workers killed • Number of programmed inspections • Number of un-programmed inspections • Number of onsite consultation visits under the CARES program • Number of non-CARES onsite consultation visits. • Number of OSHA 55 interventions • Number of OSHA 66 interventions • Number of training sessions | <p>Construction:</p> <ul style="list-style-type: none"> • There were 3 construction workers killed. • There were 299 programmed inspections conducted in Div. C. • There were 7 un-programmed inspections conducted in Div. C. • There were 25 CARES program onsite consultation visits conducted. • There were 138 non-CARES onsite consultation visits conducted. • There were 118 OSHA 55 construction interventions conducted. • There were 20 OSHA 66 construction interventions conducted. • There were 6 formal construction | <p>5-10 hour courses 1- Navajo Nation</p> |

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| | <ul style="list-style-type: none"> • Number of outreach activities <p>Oil/Gas Well Drilling and Servicing:</p> <ul style="list-style-type: none"> • Number of workers killed • Number of programmed inspections • Number of un-programmed inspections • Number of onsite consultation visits • Number of OSHA 55 interventions • Number of OSHA 66 interventions • Number of training sessions • Number of outreach activities <p>Work Related Over-the-Road Vehicle Accidents:</p> <ul style="list-style-type: none"> • Number of workers killed • Number of OSHA 55 interventions • Number of OSHA 66 interventions | <p>trainings conducted.</p> <ul style="list-style-type: none"> • There were 53 construction outreach activities conducted. <p>Oil/Gas Well Drilling and Servicing:</p> <ul style="list-style-type: none"> • There were 4 oil/gas well drilling and servicing workers killed. • There were 39 programmed inspections conducted. • There were 6 un-programmed inspection conducted. • There were 45 onsite consultation visits conducted. • There were 6 OSHA 55 interventions conducted. • There were 27 OSHA 66 interventions conducted. • There were zero training sessions conducted. • There were 6 outreach activities conducted. <p>Work Related Over-the-Road Vehicle Accidents:</p> <ul style="list-style-type: none"> • There were 29 workers killed in over-the- road vehicle accidents. • There were zero OSHA 55 interventions conducted. • There were zero OSHA 66 | <p>Two additional fatalities occurred in an over-the-road accident.</p> |
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| | <ul style="list-style-type: none"> • Number of training sessions • Number of outreach activities | <p>interventions conducted.</p> <ul style="list-style-type: none"> • There were zero training sessions conducted. • There were 90 outreach activities conducted. | |
| Intermediate Outcome Measures | None | | |
| Primary Outcome Measures | <ul style="list-style-type: none"> • Percent reduction in number of workers killed in Construction. • Percent reduction in number of workers killed in Oil/Gas Well Drilling and Servicing Operations. • Percent reduction in number of workers killed in transportation fatal events. • Percent reduction in total number of workers killed. | <ul style="list-style-type: none"> • Three construction fatalities CY06, Baseline Avg. 4.8 = 37.5% decrease • Four oil/gas fatalities CY06, Baseline Avg. 4.2 = 4.8% decrease • 29 Over-the-road vehicle accidents Baseline Avg. 14 = 107.1% increase <p><u>59 Total Fatalities CY06</u> 48 Average Fatalities = 22.9% increase</p> | <p>Over-the-road-vehicle accidents includes only highway incidents on CFOI data.</p> <p>Total number of fatalities includes all fatalities reported under CFOI even if not under OHSB</p> |

Appendix A

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| | <p><u>Baseline:</u> For Construction: 5 year average of number of workers killed. CY 1999-2003 (24 fatalities / 5 = 4.8 fatalities per year)</p> <p>For Oil/Gas Well Drilling and Servicing: 5 year average of number of workers killed. CY 199-2003 (21 fatalities / 5 = 4.2 fatalities per year)</p> <p>For Over the Road Vehicle Accidents: 5 year average of number of workers killed. CY 1999-2003 (70 fatalities / 5 = 14 fatalities per year)</p> <p>For Total Fatalities: 5 year average of number of workers killed. CY 1999-2003 (240 fatalities / 5 = 48 fatalities per year) (28 fatalities / 5 = 5.6 per year) Public Sector (212 fatalities / 5 = 42.4 per year) Private Sector</p> | | <p>jurisdiction.</p> <p>Number of employees killed used CY2005 data from the Census of Fatal Occupational Injuries.</p> <p>Baselines used CFOI data only.</p> |
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| <p>5 Year Performance Goal: 2.3 Respond to notices of fatalities in a timely manner.</p> | | | |
|--|---|--|---|
| <p>FY 2007 Performance Goal: 2.3 To timely respond to notices of fatalities by initiating 90% of inspections within 1 working day.</p> | | | |
| Performance Indicator Type | Indicator | Results | Comments |
| Activity Measures | <ul style="list-style-type: none"> • Number of fatality reports received • Number of fatality reports received, which are under OHSB jurisdiction | <ul style="list-style-type: none"> • There were 22 fatality reports received. • There were 14 fatality reports received that were under OHSB | <p>One Catastrophe with four employees; one no jurisdiction; five heart attacks; and two over-the-road 13 fatalities and 1 catastrophe</p> |

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| | <ul style="list-style-type: none"> Number of fatality inspections | <p>jurisdiction.</p> <ul style="list-style-type: none"> There were 14 fatality inspections conducted. | |
| Intermediate Outcome Measures | <ul style="list-style-type: none"> Number of days from fatality notification to inspection. | <p><u>5 total # days for all inspections</u> 14 total # inspections = .36 day average</p> | <p>9 inspections conducted the same day. One inspection was conducted 10 days after report. Report was completed day of incident, victim died 10 days later, and inspection was conducted the same day.</p> |
| Primary Outcome Measures | <ul style="list-style-type: none"> Percent of fatality notifications under OHSB jurisdiction, where inspection was initiated within 1 working day. <p>Baseline: Current fiscal year data</p> | <p><u>14 inspections</u> 14 fatality reports = 100% inspected</p> <p>within one working day</p> | |

APPENDIX B
Training, Outreach, and Program Development
Fiscal Year 2007

INTERNAL FORMAL TRAINING

- ✚ Two compliance officers attended the second-level OSHA Process Safety Management course in Chicago.
- ✚ The OHSB participated in the annual conference of the Associated Contractors of New Mexico.
- ✚ Five members of the OHSB staff attended a one-day training seminar in Albuquerque covering health and safety issues associated with spray-on truck bed liners.
- ✚ An OHSB consultant successfully completed OSHA's 40-hour "Train the Trainer Course in Occupational Safety and Health Standards for General Industry" program in Albuquerque.

INTERNAL IN-HOUSE TRAINING

EXTERNAL TRAINING AND OUTREACH

- ✚ Consultation Program Manager and Compliance Assistance Specialist were guests at the Annual Associated Builders and Constructors safety awards luncheon.
- ✚ At a ceremony in Rio Rancho on October 13, 2006, Pulte Homes was presented a certificate by the OHSB as the first company to achieve the Superior level in the bureau's Construction Agreement for Residential Employee Safety program.
- ✚ A member of the OHSB consultation staff participated in an inter-agency working group to address mold issues generated by recent flooding in numerous areas of the state.
- ✚ Honeywell Aerospace – Albuquerque was formally recognized as the fourth company in New Mexico to receive Zia Star Voluntary Protection Program status from the Environment Department at a ceremony at the company's facility on October 25, 2006.
- ✚ An OHSB consultant traveled to Hobbs to be the guest speaker for the American Society of Safety Engineers chapter meeting.
- ✚ Members of the OHSB's consultation program conducted visits to seven buildings owned by the Town of Hatch to assess potential mold problems following flooding.
- ✚ OHSB's Compliance Assistance Specialist coordinated a briefing by Intel's health and safety managers to members of the City of Las Cruces Safety Committee.
- ✚ AUI, Inc. was presented a banner by OHSB on December 5, 2006, to recognize the company's participation in the bureau's Construction Leaders Agreement for Safety partnership and its excellent safety record.
- ✚ On December 22, 2006, members of the OHSB presented Beaty Construction with partnership banners for both the Construction Leaders Agreement for Safety and Construction Health and Safety Excellence partnerships in Albuquerque.
- ✚ An OHSB consultant delivered presentations on field sanitation requirements at farm labor conferences held in Deming, Rincon, and Las Cruces.
- ✚ Two members of the OHSB consultation staff and the safety director of one of the bureau's partner companies provided training to Navajo Nation employees in Farmington on a variety of safety topics.
- ✚ An OHSB Compliance Assistance Specialist conducted an informal training with City of Las Cruces and Dona Ana County officials to promote implementation of comprehensive health and safety programs in their jurisdictions.
- ✚ An OHSB Compliance Assistance Specialist met with a facility manager from the Alamogordo school system to provide assistance in addressing health concerns about on-going school renovations at Buena Vista Elementary School and Alamogordo High School.

- ✚ 10-hour training classes in construction safety were presented in Spanish in Santa Fe and Albuquerque under OHSB's Hispanic Initiative contract.
- ✚ Several members of the OHSB attended the presentation of Voluntary Protection Program status to Conoco-Phillips San Juan Gas Plant in Bloomfield on March 16, 2007.
- ✚ The OHSB Chief presented information at the Landfill Operators Certification Course in Silver City on Thursday, March 22, 2007.
- ✚ OHSB staff taught portions of a safety course addressing underground utility construction in Farmington.
- ✚ The OHSB Consultation Program Manager met with officials of New Mexico Junior College in Hobbs to discuss joint training efforts focusing on oil and gas and construction.
- ✚ The OHSB, along with the American Society of Safety Engineers and two equipment suppliers, sponsored a "Fall Protection Summit" in Albuquerque and Farmington the week of February 5, 2007.
- ✚ Two OHSB representatives met with teachers, the principal, a union representative, the school nurse, and facility managers at Agua Fria Elementary School in Santa Fe to discuss potential health issues relating to a water-damaged portable classroom at the school.
- ✚ OHSB's Consultation Program Manager gave two presentations at a conference sponsored by the Risk Management Division of the General Services Department.
- ✚ The OHSB Chief gave a presentation on safety at the Solid Waste Bureau's Landfill Operators Certification Course in Moriarty on August 23, 2007.
- ✚ The OHSB's Consultation Manager gave a presentation on health and safety issues in the agricultural industry at the town hall meeting in Deming on August 23, 2007.
- ✚ The OHSB Chief gave a presentation to the board of directors of the New Mexico Recycling Coalition regarding the Local Emphasis Program for Solid Waste Collection, Disposal and Recycling planned for FY 08.
- ✚ OHSB members attended the Associated Builders and Contractors annual safety awards luncheon in Albuquerque.
- ✚ OHSB members attended the recertification award ceremony for Georgia-Pacific's Voluntary Protection Program recognition.

PROGRAM DEVELOPMENT ACTIVITIES

- ✚ Two OHSB compliance officers attended a conference in Atlanta which addressed investigative techniques for OSHA whistleblower complaints.
- ✚ Two OHSB consultants attended the annual Workers Compensation Administration conference in Albuquerque on May 17-18, 2007, to promote the bureau's consultation program.
- ✚ OHSB personnel met with the president of the New Mexico Oil and Gas Association to promote the New Mexico Oil and Gas Safe Site Program.

APPENDIX B
STATE PLAN ACTIVITY MEASURES (SAMM) REPORT

U. S. DEPARTMENT OF LABOR
 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 STATE ACTIVITY MANDATED MEASURES (SAMMs)

OCT 28, 2007
 PAGE 1 OF 2

State: NEW MEXICO

RID: 0653500

| MEASURE | From: 10/01/2006 | | CURRENT FY-TO-DATE | REFERENCE/STANDARD |
|---|-----------------------|--|-----------------------|--|
| | To: 09/30/2007 | | | |
| 1. Average number of days to initiate Complaint Inspections | 21 4.20 5 | | 0 | Negotiated fixed number for each State |
| 2. Average number of days to initiate Complaint Investigations | 0 0 | | 0 | Negotiated fixed number for each State |
| 3. Percent of Complaints where Complainants were notified on time | 4 80.00 5 | | 0 | 100% |
| 4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger | 2 100.00 2 | | 0 | 100% |
| 5. Number of Denials where entry not obtained | 0 | | 0 | 0 |
| 6. Percent of S/W/R Violations verified | | | | |
| Private | 209 95.43 219 | | 1 33.33 3 | 100% |
| Public | 59 90.77 65 | | 0 0 | 100% |
| 7. Average number of calendar days from Opening Conference to Citation Issue | | | | |
| Safety | 17978 84.40 213 | | 692 62.90 11 | 2506201 45.7 54895 |
| Health | 6156 116.15 53 | | 489 97.80 5 | 737608 60.0 12295 |

*NM.SAMM

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

U. S. D E P A R T M E N T O F L A B O R
 O C C U P A T I O N A L S A F E T Y A N D H E A L T H A D M I N I S T R A T I O N
 S T A T E A C T I V I T Y M A N D A T E D M E A S U R E S (S A M M s)

OCT 28, 2007
 PAGE 2 OF 2

State: NEW MEXICO

RID: 0653500

| MEASURE | From: 10/01/2006 | | CURRENT | | REFERENCE/STANDARD |
|---|------------------|------------|------------|-------------------------------|--------------------|
| | To: 09/30/2007 | FY-TO-DATE | FY-TO-DATE | REFERENCE/STANDARD | |
| 8. Percent of Programmed Inspections with S/W/R Violations | | | | | |
| | 107 | 4 | 86812 | | |
| Safety | 33.33 | 22.22 | 58.9 | National Data (3 years) | |
| | 321 | 18 | 147276 | | |
| | 10 | 0 | 11391 | | |
| Health | 35.71 | .00 | 51.6 | National Data (3 years) | |
| | 28 | 2 | 22059 | | |
| 9. Average Violations per Inspection with Vioations | | | | | |
| | 590 | 28 | 414316 | | |
| S/W/R | 2.21 | 1.75 | 2.1 | National Data (3 years) | |
| | 266 | 16 | 198185 | | |
| | 167 | 11 | 247062 | | |
| Other | .62 | .68 | 1.2 | National Data (3 years) | |
| | 266 | 16 | 198185 | | |
| 10. Average Initial Penalty per Serious Violation (Private Sector Only) | 429575 | 15500 | 472792728 | | |
| | 891.23 | 775.00 | 1301.7 | National Data (3 years) | |
| | 482 | 20 | 363217 | | |
| 11. Percent of Total Inspections in Public Sector | 38 | 1 | 90 | | |
| | 6.81 | 3.33 | 5.2 | Data for this State (3 years) | |
| | 558 | 30 | 1734 | | |
| 12. Average lapse time from receipt of Contest to first level decision | 3231 | 0 | 4486899 | | |
| | 60.96 | | 252.4 | National Data (3 years) | |
| | 53 | 0 | 17777 | | |
| 13. Percent of 11c Investigations Completed within 90 days | 2 | 1 | 100% | | |
| | 40.00 | 100.00 | | | |
| | 5 | 1 | | | |
| 14. Percent of 11c Complaints that are Meritorious | 0 | 0 | 1495 | | |
| | .00 | .00 | 21.3 | National Data (3 years) | |
| | 5 | 1 | 7023 | | |
| 15. Percent of Meritorious 11c Complaints that are Settled | 0 | 0 | 1280 | | |
| | | | 85.6 | National Data (3 years) | |
| | 0 | 0 | 1495 | | |

*NM.SAMM

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

APPENIX C
MANDATED ACTIVITIES REPORTS FOR CONSULTATION (MARC)

OSHA MARC REPORT 006935000
 REPORT ENDING DATE: SEP 2007
 QUARTER: 4 FY: 2007

U. S. DEPARTMENT OF LABOR
 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 MANDATED ACTIVITIES REPORT FOR CONSULTATION(MARC)

OCT 29, 2007
 PAGE 1 OF 2

PROJECT NAME: New Mexico 03 PRIVATE SECTOR

| MEASURE | QUARTER | FY-TO-DATE | REFERENCE/STANDARD |
|--|---------|------------|--------------------|
| TOTAL VISITS | 37 | 179 | |
| 1. Percent of Initial Visits in High Hazard Establishments | | | Not Less than 90% |
| Number High Hazard Visits | 24 | 91 | |
| Percent | 100.00 | 100.00 | |
| Number of Initial Visits | 24 | 91 | |
| 2. Percent of Initial Visits to Smaller Businesses | | | Not Less than 90% |
| Initial Visits | 24 | 91 | |
| Visits <= 250 Employees in Estab | 23 | 89 | |
| Percent | 95.83 | 97.80 | |
| Visits <= 500 Employees CB Employer | 23 | 90 | |
| Percent | 95.83 | 98.90 | |
| 3. Percent of Visits where Consultant Conferred with Employees | | | 100% |
| Initial | | | |
| Number with Empe Conferences | 23 | 89 | |
| Percent | 95.83 | 97.80 | |
| Number of Initial Visits | 24 | 91 | |
| Follow-Up | | | |
| Number with Empe Conferences | 5 | 21 | |
| Percent | 100.00 | 100.00 | |
| Number of Follow-Up Visits | 5 | 21 | |
| Training & Assistance Visits with Compliance Assistance ONLY | | | |
| Number with Empe Conferences | 0 | 0 | |
| Percent | | | |
| Number of T&A Visits | 0 | 0 | |

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

OSHA MARC REPORT 006935000
 REPORT ENDING DATE: SEP 2007
 QUARTER: 4 FY: 2007

U. S. D E P A R T M E N T O F L A B O R
 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 MANDATED ACTIVITIES REPORT FOR CONSULTATION(MARC)

OCT 29, 2007
 PAGE 2 OF 2

PROJECT NAME: New Mexico 03 PRIVATE SECTOR

| MEASURE | QUARTER | FY-TO-DATE | REFERENCE/STANDARD |
|---|---------|------------|--------------------|
| 4A Thru 4C based on Closed Cases ONLY | | | |
| 4A. Percent of Serious Hazards Verified Corrected in a Timely Manner (<=14 Days of Latest Correction Due Date) | | | 100% |
| Number Verified Timely | 180 | 723 | |
| Percent | 100.00 | 100.00 | |
| Total Serious Hazards | 180 | 723 | |
| Number of Serious Hazards Verified Corrected: | 180 | 723 | |
| On-Site | 36 | 67 | |
| Within Original Time Frame | 113 | 458 | |
| Within Extension Time Frame | 21 | 127 | |
| Within 14 Days of Latest Correction Due Date | 10 | 71 | |
| 4B. Percent of Serious Hazards NOT Verified Corrected in a Timely Manner (> 14 days after Latest Correction Due Date) | | | |
| Number NOT Verified Timely | 0 | 0 | |
| Percent | .00 | .00 | |
| Total Serious Hazards | 180 | 723 | |
| 4C. Percent of Serious Hazards Referred to Enforcement | | | |
| Number Referred to Enforcement | 0 | 0 | |
| Percent | .00 | .00 | |
| Total Serious Hazards | 180 | 723 | |
| 5. Number of Uncorrected Serious Hazards with Correction Date > 90 Days Past Due (Open Cases for last 3 Years, excluding Current Quarter) | | | 0 |

OSHA MARC REPORT 006935000
 REPORT ENDING DATE: SEP 2007
 QUARTER: 4 FY: 2007

U. S. D E P A R T M E N T O F L A B O R
 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 MANDATED ACTIVITIES REPORT FOR CONSULTATION(MARC)

OCT 29, 2007
 PAGE 1 OF 2

PROJECT NAME: New Mexico 01 PUBLIC SECTOR

| MEASURE | QUARTER | FY-TO-DATE | REFERENCE/STANDARD |
|--|---------|------------|--------------------|
| TOTAL VISITS | 1 | 11 | |
| 1. Percent of Initial Visits in High Hazard Establishments | | | Not Less than 90% |
| Number High Hazard Visits | 0 | 6 | |
| Percent | | 100.00 | |
| Number of Initial Visits | 0 | 6 | |
| 2. Percent of Initial Visits to Smaller Businesses | | | Not Less than 90% |
| Initial Visits | 0 | 6 | |
| Visits <= 250 Employees in Estab | 0 | 6 | |
| Percent | | 100.00 | |
| Visits <= 500 Employees CB Employer | 0 | 6 | |
| Percent | | 100.00 | |
| 3. Percent of Visits where Consultant Conferred with Employees | | | 100% |
| Initial | | | |
| Number with Empe Conferences | 0 | 6 | |
| Percent | | 100.00 | |
| Number of Initial Visits | 0 | 6 | |
| Follow-Up | 0 | 0 | |
| Number with Empe Conferences | 0 | 0 | |
| Percent | 0 | 0 | |
| Number of Follow-Up Visits | | | |
| Training & Assistance Visits with Compliance Assistance ONLY | | | |
| Number with Empe Conferences | 0 | 0 | |
| Percent | | | |
| Number of T&A Visits | 0 | 0 | |

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

OSHA MARC REPORT 006935000
 REPORT ENDING DATE: SEP 2007
 QUARTER: 4 FY: 2007

U. S. D E P A R T M E N T O F L A B O R
 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 MANDATED ACTIVITIES REPORT FOR CONSULTATION(MARC)

OCT 29, 2007
 PAGE 2 OF 2

PROJECT NAME: New Mexico 01 PUBLIC SECTOR

| MEASURE | QUARTER | FY-TO-DATE | REFERENCE/STANDARD |
|---|---------|------------|--------------------|
| 4A Thru 4C based on Closed Cases ONLY | | | |
| 4A. Percent of Serious Hazards Verified Corrected in a Timely Manner (<=14 Days of Latest Correction Due Date) | | | 100% |
| Number Verified Timely | 0 | 25 | |
| Percent | | 100.00 | |
| Total Serious Hazards | 0 | 25 | |
| Number of Serious Hazards Verified Corrected: | 0 | 25 | |
| On-Site | 0 | 0 | |
| Within Original Time Frame | 0 | 13 | |
| Within Extension Time Frame | 0 | 12 | |
| Within 14 Days of Latest Correction Due Date | 0 | 0 | |
| 4B. Percent of Serious Hazards NOT Verified Corrected in a Timely Manner (> 14 days after Latest Correction Due Date) | | | |
| Number NOT Verified Timely | 0 | 0 | |
| Percent | | .00 | |
| Total Serious Hazards | 0 | 25 | |
| 4C. Percent of Serious Hazards Referred to Enforcement | | | |
| Number Referred to Enforcement | 0 | 0 | |
| Percent | | .00 | |
| Total Serious Hazards | 0 | 25 | |
| 5. Number of Uncorrected Serious Hazards with Correction Date > 90 Days Past Due (Open Cases for last 3 Years, excluding Current Quarter) | | | 0 |

APPENDIX D

FEDERAL PROGRAM CHANGES AND STATE RESPONSES

| Date | Number | Title | Date Response Due/Adoption Required? | State Response |
|----------|----------------|---|--------------------------------------|---|
| 7-27-07 | CPL 03-00-005 | NEP Microwave Popcorn Processing Plants | 9-29-07/ NO | 8-16-07 NM did not adopt |
| 6-7-07 | CPL 03-00-004 | Petroleum Refinery PSM NEP | 8-26-07/ NO | 9-27-07 NM adopted substantially identical |
| 5/14/07 | CPL 02 (07-03) | Site Specific Targeting | 7-24-07/ NO | 8-16-07 NM did not adopt |
| 10/27/06 | CPL 03-00-003 | National Emphasis Program on Amputations | 1-13-07/ NO | 8-16-07 NM did not adopt |
| 8-11-06 | CPL 02-00-143 | Commercial Diving Operations | 1-13-07/ NO | 8-16-07 NM adopted substantially identical |
| 8-3-06 | CPL 02-00-142 | Shipyard Employment "Tool Bag" Directive | 1-1-07/ NO | 8-16-07 NM does not enforce maritime regulations |
| 7-14-06 | CPL 02-00-141 | Inspection Scheduling for Construction | 11-6-06/ NO | 8-16-07 NM adopted substantially identical |
| 6-23-06 | CPL 02-00-140 | Complaint Policies and Procedures | 11-4-06/ NO | 8-16-07 NM did not adopt |
| 6-16-06 | CPL 2 (06-03) | Cancellation of STD 01-01-007 (29 CFR 1910.23, Guarding Floor and Wall Openings and Holes – General Industry) | 1-16-07/ YES | 8-16-07 NM adopted identical. on 2-24-07 |
| 6-12-06 | CPL 2 (06-01) | Site Specific Targeting | 11-4-06/ NO | Directive was superseded before NM responded |

APPENDIX E

STATE-INITIATED PLAN CHANGES

| Date of State Adoption | Description | Date Transmitted to Region |
|------------------------|--|----------------------------|
| 10-1-06 | Local Emphasis Program (LEP) for Health and Safety Hazards in the Construction Industry (NAICS 236, 237, and 238) | 9-29-06 |
| 10-1-06 | Local Emphasis Program (LEP) for Health and Safety Hazards in the Manufacture of Fabricated Metal Products (NAICS 332-337 and 339) | 9-29-06 |
| 10-1-06 | Local Emphasis Program (LEP) for Health and Safety Hazards in Stone, Clay, Glass, and Concrete Product Operations (NAICS 327) | 9-29-06 |
| 10-1-06 | Local Emphasis Program (LEP) for Health and Safety Hazards Associated with Silica Exposures | 9-29-06 |
| 10-1-06 | Local Emphasis Program (LEP) for Health and Safety Hazards in Hand Labor Agricultural Operations (NAICS 111 and 1151) | 9-29-06 |
| 10-1-06 | Local Emphasis Program for Health and Safety Hazards in the Oil and Gas Well Drilling and Servicing Industry (NAICS 211 and 213) | 9-29-06 |
| 10-1-06 | Local Emphasis Program (LEP) for Health and Safety Hazards Associated with Convenience Store Operations (NAICS 44711 and 44512) | 9-29-06 |
| 9-18-06 | Changes to the OHSB Organizational Chart | 2-23-07 |
| 2-27-07 | Changes to the NM Occupational Health and Safety Poster | 10-17-07 |

APPENDIX F

FEDERAL STANDARDS AND STATE RESPONSES

| Date | Number | Title | State Adoption Due Date | State Response |
|----------|--------|---|-------------------------|--|
| 2-14-07 | | Electrical Installation | 2-24-07 | Identical State standards incorporated 2-14-07 for general industry and construction. NM does not enforce maritime standards. |
| 1-3-07 | | Fire Protection in Shipyard Employment | 7-3-07 | NM does not enforce maritime standards |
| 11-30-06 | | Hexavalent Chromium Exposure; Amendment | 4-30-07 | Identical State standards incorporated 11/30/06 |
| 8-24-06 | | Assigned Protection Factors; Final Rule | 2-24-07 | Identical State standards incorporated on 8-24-06 for general industry and construction. NM does not enforce maritime standards. |