

**Appendix I**

**23(g) State Plans Memorandum of Agreement (MOA) for Laboratory Services with the  
Salt Lake Technical Center (SLTC) Template**

**Memorandum of Agreement for FY 2013 under Section 18 of the  
Occupational Safety and Health Act of 1970 for Laboratory Services by the  
Salt Lake Technical Center (SLTC) between**

**the New Mexico Environment Department**

**and the**

**Occupational Safety and Health Administration (OSHA), United States  
Department of Labor**

Establishing conditions during FY 2013 under which the **New Mexico Environment Department**, which operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) under Section 18 of the Occupational Safety and Health Act of 1970 will pay the Occupational Safety and Health Administration – Salt Lake Technical Center for laboratory services related to analysis of industrial hygiene samples collected during State occupational safety and health compliance activities.

**I. Terms of Agreement**

- A. OSHA through its Directorate of Technical Support and Emergency Management – Salt Lake Technical Center will provide analytical services with regard to all industrial hygiene samples gathered during compliance-related activities (and On-site Consultation program activities in the public sector) by the **New Mexico Environment Department**. This service is being provided at the State's request. SLTC will provide the same analytical services to the **New Mexico Environment Department** as are provided to the Federal OSHA program, in the same manner and to the same extent. Specific policies and procedures for receipt and analysis of samples and delivery of results will be provided and agreed upon separately between the State and SLTC. Samples will be subject to the same chain of custody, priority and quality assurance procedures as the Federal program; expert witness testimony, when required, will be provided by the SLTC to the **New Mexico Environment Department**. Participation in State Plan enforcement litigation will be governed by the policy established in the January 21, 1998, memorandum from the Office of the Solicitor of Labor to the Assistant Secretary (63 FR 35611).
- B. The **New Mexico Environment Department** agrees to utilize the services of the OSHA Salt Lake Technical Center as its primary/exclusive laboratory for compliance-related sample analysis, and to follow the policies and procedures established for sample gathering and submission by the Federal program. Samples gathered as a result of On-site Consultation program activities in the private sector, whether pursuant to a Section 21(d) On-site Consultation Agreement or under the State Plan, may **not** be submitted to the SLTC for analysis. Samples collected during either compliance or On-site Consultation program activity in the public sector will be accepted for analysis by the SLTC.

## II. Cost and Payment

- A. The SLTC laboratory will provide these laboratory services at a cost of \$175 per sample analyzed. This will include all related activity including expert technical advice and consultation and testimony, as mutually agreed appropriate. There will be a special charge rate for four exceptional sample types:

CO Methoxyhemoglobin Calculation	\$ 1,150
Explosibility	\$ 710
GC/MS* Identification	\$ 465
Materials Failure	\$ 2,820

\* *Gas Chromatograph/Mass Spectrometer*

Quarterly accountings of numbers of samples analyzed for the State will be provided together with a bill requesting payment. The fourth quarter payment will be based on an estimated bill. All bills are expected to be paid upon receipt, but must be paid no later than September 15, 2013. Any adjustments between actual changes and estimates will be made in the first quarter of the following fiscal year.

- B. The **New Mexico Environment Department** anticipates a sample workload of approximately **60 samples** per year and intends to pay the U.S. Department of Labor, Occupational Safety and Health Administration, for all services provided upon receipt of billings, but will deliver payment no later than September 15, 2013. The **New Mexico Environment Department** will include sufficient funds for these expenses in its annual State Plan grant application and will pay OSHA with Federal and State grant funds allocated to the program. The **New Mexico Environment Department** understands that the additional Federal staff and resources necessary to provide this service are being made available by OSHA based on the expectation of State Plan payment for at least the estimated number of samples.

## III. Contacts

The **New Mexico Environment Department** contact for purposes of this agreement is:

Albert Ibarra, Administrative Program Manager  
New Mexico Environment Department  
Occupational Health and Safety Bureau  
525 Camino De Los Marquez, Suite 3  
Santa Fe, NM 87502  
Main: (505) 476-8700  
Fax: (505) 476-8734  
Phone: (505) 476-8702  
TOLL FREE: 1 (877)610-6742  
E-MAIL: [albert.ibarra@state.nm.us](mailto:albert.ibarra@state.nm.us)

The OSHA contact for SLTC is:

Dean Lillquist, Director  
Salt Lake Technical Center, USDOL-OSHA  
8660 South Sandy Parkway  
Sandy, UT 84070-6424  
Phone: (801) 233-4902

The OSHA contact for bill processing is:

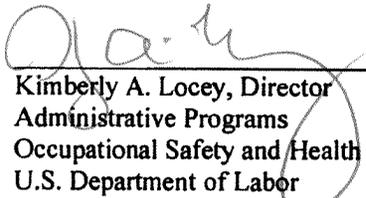
James Digan, Director  
Office of Program Budgeting and Financial Management  
USDOL-OSHA  
200 Constitution Ave., NW, Room N-3419  
Washington, DC 20210  
Phone: (202) 693-2111  
E-mail: [digan.jim@dol.gov](mailto:digan.jim@dol.gov)

**IV. Other Services**

The Salt Lake Technical Center will continue to provide other services to the **New Mexico Environment Department**, such as assistance from the Health Response Team (HRT), in the same manner as currently provided. Requests for such services are to be coordinated through the Regional Office.

**V. Period of Agreement**

This agreement is entered into for the period **October 1, 2012 through September 30, 2013**, and may/will be renewed annually thereafter, on a fiscal year basis.

  
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Kimberly A. Locey, Director  
Administrative Programs  
Occupational Safety and Health Administration  
U.S. Department of Labor

Signed 6/9, 2012

*for*   
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Dave Martin, Authorized State Representative  
State Plan Agency

Signed 8-13-12, 2012