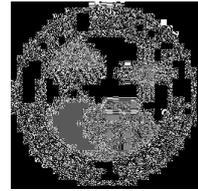




BILL RICHARDSON
Governor
DIANE DENISH
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT
Occupational Health and Safety Bureau

525 Camino de los Marquez, Suite 3
P.O. Box 26110, Santa Fe, NM 87505
Phone (505) 476-8700 Fax (505) 476-8734
www.nmenv.state.nm.us



RON CURRY
Secretary
CINDY PADILLA
Deputy Secretary

October 1, 2007

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 08-06

- Subject: Local Emphasis Program (LEP) for Health and Safety Hazards Associated with Convenience Store Operations (NAICS 44512 and 44711).
- A. Purpose: This notice establishes an LEP for Health and Safety Hazards Associated with Convenience Store Operations (NAICS 44512 and 44711).
- B. Scope: This notice applies to the State of New Mexico OHSB.
- C. References: The following documents are referenced in or applicable this instruction.
1. New Mexico Field Operations Manual
 2. OSHA Instruction ADM 1-1.38, August 28, 2003, The IMIS Enforcement Data Processing Manual for use with the NCR, and subsequent changes.
 3. OSHA Instruction CPL 2-0.102.A, November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEP).
 4. OSHA Instruction CPL 2-00-051, February 23, 2005, Exemptions and Limitations Under the Appropriations Act, with current Appendix A.
- D. Cancellation: This notice does not cancel any notice.
- E. Expiration: This notice expires on September 30, 2008.
- F. Action: OHSB Compliance personnel will ensure that the procedures contained in this notice are followed in conducting the inspections under this LEP for Health and Safety Hazards in Convenience Store Operations (NAICS 44512 and 44711).
- G. Background: The OHSB has determined there are numerous convenience store operations within the State's jurisdiction where employees may be exposed to health and safety hazards. In 2004, the Environmental Improvement Board (EIB) adopted regulations, 11.5.6 NMAC, to establish standards related to the occupational health and safety of employees in the convenience store industry.

- H. Procedures: In FY 2008, the OHSB will conduct approximately twenty (20) random comprehensive inspections from a list of all employers in NAICS 44512 and 44711.
1. The Convenience Store operations list will consist of all establishments identified through the New Mexico State Business Directory (Info USA) and Qwestdex online phone directory.
 2. Any establishment that has received a comprehensive inspection since October 1, 2004, will be deleted from the 2008 inspection cycle.
 3. The list will be consecutively numbered and a random numbers table applied. The inspection cycle for FY 2008 will consist of the first twenty (20) randomly selected establishments. Additional randomly selected establishments may be added to the list if an establishment is out of business or cannot otherwise be inspected. Comprehensive inspections will be conducted of all establishments selected.
 4. Upon arrival at the worksite and before initiating enforcement activities, the compliance officer will determine that Enforcement Exemptions and Limitations under the Appropriations Act do not prohibit the inspection. Certain employers are exempt from programmed safety inspections if they employ 10 or fewer employees currently and at all times during the prior 12 months.
 5. OHSB reserves the right to re-inspect any establishment that has a fatality or catastrophe, receives a complaint or referral at any time during the period covered by this notice.
- I. IMIS Recording: Information pertaining to Health and Safety Hazards in convenience store operations shall be recorded in the IMIS following current instructions in the IMIS manual. The identifier code will be "CONVSTORE".
1. The identifier "CONVSTORE" will be recorded in item 25c on the OSHA-1 form for all LEP inspections.
 2. The appropriate strategic plan code "CONVSTORE" will also be coded in block 25f of the OSHA-1, to link with the strategic plan.
- J. Evaluation: An evaluation of the effectiveness of this local emphasis program will be conducted at the end of each fiscal year. An evaluation report will be written and submitted to the Bureau Chief within 30 days of the end of each fiscal year. Elements to be considered in the evaluation include:
1. Effectiveness of the LEP targeting system;
 2. Number of establishments inspected under the program;
 3. Number of establishments that complete abatement of hazards determined to be in violation of OHSB standards or general duty requirement of the OHS Act;
 4. Number of employees removed from risk; and
 5. Number of hazards abated.

By and Under the Authority of

Butch Tongate
Chief, Occupational Health and Safety Bureau