NEW MEXICO ENVIRONMENT DEPARTMENT

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October 1, 2015

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 16-02

Subject: State Emphasis Program (SEP) for Health and Safety Hazards in the Construction Industry (NAICS 236, 237, and 238).

A. Purpose: This notice establishes an SEP for Health and Safety Hazards in the Construction Industry (NAICS 236, 237, and 238).

B. Scope: This notice applies to the State of New Mexico OHSB.

C. References: The following documents are referenced in or applicable to this instruction.

1. New Mexico Field Operations Manual
2. OSHA Information System (OIS) Modules for Enforcement, Consultation and Compliance Assistance, current and subsequent versions.
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 cancels the New Mexico Occupational Health and Safety Bureau (OHSB) Directive 14-02 dated October 1, 2014.

E. Expiration: This notice expires on September 30, 2016, but may be renewed as necessary.

F. Action: OHSB Compliance personnel will ensure that the procedures contained in this notice are followed in conducting the SEP for Health and Safety Hazards in the Construction Industry (NAICS 236, 237, and 238).

G. Background: Through activities at construction sites statewide, the OHSB has identified serious hazards including falls, struck by, and struck against objects. These hazards have resulted in serious injuries and fatal accidents. It is believed that, through a local emphasis program, increased awareness, and accelerated intervention activities, injuries and illnesses can be reduced. It is also recognized

that the tracking mechanism for these types of inspections would prove beneficial in monitoring of the hazards.

H. Procedures: In FY 2016, the OHSB will conduct approximately 160 random inspections from a list of all employers in NAICS 236, 237, and 238.

1. OHSB will conduct comprehensive inspections at construction sites, and include all companies onsite that are not participating in one of the Bureau's exemption programs.
2. Hazards on construction sites are normally transient and of limited duration. Inspections conducted under the SEP will be initiated by several means: programmed planned inspections from Dodge Reports, supplemented by compliance personnel observation to verify worksite activity; programmed planned inspections at sites identified through New Mexico Department of Transportation reports; un-programmed from referrals from Bureau personnel observance; complaints; and referrals from outside sources.
3. 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 12 months prior to an inspection.
4. OHSB reserves the right to re-inspect any establishment that has a fatality or catastrophe, or receives a complaint or referral, at any time during the period covered by this notice.

I. OIS Recording: Information pertaining to this healthcare initiative shall be recorded in the OIS following current instructions in the each of the respective modules in the OIS User Guides. The identifier code will be "ALLCNSTR".

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 90 days of the end of each fiscal year. The evaluation report may be included as part of the New Mexico State OSHA Annual Report (SOAR). Elements to be considered in the evaluation include:

1. Number of inspections conducted under this LEP;
2. Number of serious, willful, and repeat violations issued as a result of these inspections;
3. Number of in-compliance inspections;
4. Number of employees removed from risk;
5. Number of hazards abated; and
6. Change in fatality rates within the industry and among companies receiving inspections, using case file and Bureau of Labor Statistics data.

By and Under the Authority of

Robert Genoway
Chief, Occupational Health and Safety Bureau