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October 1, 2015

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 16-04

Subject: State Emphasis Program (SEP) for Health and Safety Hazards Associated with Silica Exposures (NAICS 236, 237, 238, and 327).

A. Purpose: This notice establishes an SEP for Health and Safety Hazards Associated with Silica Exposures (NAICS 236, 237, 238, and 327).

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.
5. OSHA Instruction CPL 03-00-007, January 24, 2008, National Emphasis Program – Crystalline Silica.

D. Cancellation: This notice cancels the New Mexico Occupational Health and Safety Bureau (OHSB) Directive 15-04 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 inspections under this SEP for Health and Safety Hazards Associated with Silica Exposures.

G. Background: The OHSB has numerous operations and activities within the State's jurisdiction that expose employees to the hazards associated with silica. Exposure to silica can occur in such operations as: concrete mixing/manufacturing, sand blasting

operations, cinder/concrete block manufacturing, plastering, stone cutting, and other operations which disturb or release silica.

H. Procedures: In FY 2016, the OHSB will conduct approximately five (5) inspections involving silica exposures in NAICS 236, 237, 238, and 327.

1. Establishments will be identified through visual observations, the New Mexico Business Directory, Qwestdex online phone directory, IMIS previous activity listings, the Business Library, and the Department of Transportation reports.
2. Any fixed site establishment that has received a substantially complete inspection since October 1, 2013, will be deleted from the FY 2016 inspection cycle. All construction inspections conducted under the SEP will be initiated as Programmed Planned from Dodge Reports.
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 previous 12 months.
4. 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.
5. OHSB compliance staff may utilize OSHA Instruction CPL 03-00-007, January 24, 2008, National Emphasis Program – Crystalline Silica, as a reference when conducting enforcement activities.

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 "SILICA".

1. The identifier "SILICA" will be recorded in item 25c on the OSHA-1 form for all SEP inspections.
2. The appropriate strategic plan code "SILICA" 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 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. Effectiveness of the State Emphasis Program targeting system;
2. Number of establishments and/or operations inspected under the program;
3. Number of establishments and/or operations that appeared to be in violation of OHSB standards and/or general duty requirement of the OHS Act;
4. Number of required silica programs implemented;
5. Number of employees removed from risk; and

6. Number of hazards abated.

By and Under the Authority of

Robert Genoway
Chief, Occupational Health and Safety Bureau