# NEW MEXICO ENVIRONMENT DEPARTMENT

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October 1, 2015

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 16-05

Subject: State Emphasis Program (SEP) for Health and Safety Hazards Associated with Waste Management and Remediation (NAICS 562).

A. Purpose: This notice establishes an SEP for Health and Safety Hazards Associated with Waste Management and Remediation (NAICS 562).

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 15-05 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 Waste Management and Remediation.

G. Background: OHSB initiated this emphasis program in 2008 (OHSB Directive 08-09) to address serious injuries and fatalities occurring in the Waste Management and Remediation industry. Waste collection, disposal and remediation establishments generally have experienced lost-time injury rates nearly twice the average for all industries. In 2005, the industry experienced an average days away/restricted/transferred (DART) case rate of 4.7 compared to the average DART of 2.4 for all industries nationwide, Based on U. S. Department of Labor, Bureau of Labor Statistics (BLS) data. The industry DART rate was 5.3 in 2004

and 5.7 in 2003, compared to 2.5 and 2.6 for all industries respectively. As OHSB entered its sixth year of this emphasis program, DART rates steadily fell in New Mexico to near the average for all industries. Nationwide, the industry continues to experience rates greater than the average for all industries (3.0 and 1.9, respectively in 2011). In 2012, the industry DART rate in New Mexico rose slightly to 2.3, but remained lower than the nationwide average of 3.4 for the same year. From 2013 to 2014, nationwide DART rates have remained steady at 3.4, while the BLS data for New Mexico was below reportable numbers. OHSB will continue the LEP for FY 2016 with a goal of five (5) inspections, and will continue to monitor industry injury rates. Hazards in this industry include caught-in or struck-by machinery, falls from vehicles and struck-by vehicles. In addition, employees are exposed to hazards from confined spaces and energy sources that are not isolated during maintenance operations.

H. Procedures: In FY 2016, the OHSB will conduct approximately five (5) inspections at Waste Management and Remediation establishments (NAICS 5621, 5622 and 5629).

1. The Waste Management and Remediation list will consist of all establishments contained in listings provided by the Solid Waste Bureau of NMED, the New Mexico Business Directory, Qwestdex online phone directory, IMIS previous activity listings, and the Business Library.
2. Any fixed site establishment that has received a substantially complete inspection within the previous three years will be deleted from the FY 2016 inspection cycle.
3. The list will be consecutively numbered and a random numbers table applied. The inspection cycle for FY 2016 will consist of the first five (5) 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 previous 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. 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 "WASTEMGT".

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 employees removed from risk; and
5. Number of hazards abated.

By and Under the Authority of

Robert Genoway
Chief, Occupational Health and Safety Bureau