State of New Mexico
Occupational Health and Safety Bureau
Annual Performance Plan

Fiscal Year 2015

August 1, 2014

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I. Introduction

This Annual Performance Plan for the New Mexico Occupational Health and Safety Bureau (OHSB) details how the program will work towards accomplishment of the goals set forth in the Five Year, Fiscal Year 2015 – 2019 Strategic Plan. OHSB will continue to guide employers to self-sufficiency in health and safety programs by providing innovative, timely, and professional services.

OHSB will direct federal and state resources toward activities within the industries and at worksites with the greatest need for health and safety improvement. Programmed inspections will continue to target planning guide worksites from industries with the highest injury rates, and worksites within industries with the greatest numbers of fatal accidents within OHSB jurisdiction. Cooperative programs including consultation services, partnerships, and voluntary protection program will also focus on these industries.

The construction and oil and gas industries continue to experience the greatest number of fatal accidents in New Mexico. Oil and gas fatalities have increased significantly within the past two years. To address this issue, OHSB will dramatically increase enforcement activities and oil production sites in the state through enhancement of its existing local emphasis program. In addition, OHSB has opened an office in Roswell to place enforcement staff close to production activities.

OHSB is committed to providing innovative cooperative programs to target industries. The Bureau will continue to develop its recently approved Safety and Health Achievement Recognition Program (SHARP) pilot for residential construction and will actively explore cooperative opportunities within the oil and gas industry.

OHSB will continue its State Internal Evaluation Program (SIEP) in FY 2015. The bureau will build upon the successes brought about through SIEP recommendations made during prior years and will utilize this program to ensure continuous, systematic quality improvement for all areas of operation.

Accomplishments of the goals set forth in OHSB's Five-Year Strategic Plan are based on an integration of activities and efforts of the 23(g) Enforcement and Cooperative Programs and the 21(d) Consultation Program. The Strategic and Performance Goals outlined in the Strategic Plan are the basis for developing this Annual Performance Plan.

II. Overview

In 1972, the New Mexico Legislature passed the Occupational Health and Safety Act (the Act) that led to the creation of the Occupational Health and Safety Bureau (OHSB, or "the bureau") within the New Mexico Environment Department. The purpose of the Act, and the mission of OHSB, is to "Assure every employee in New Mexico safe and healthful working conditions."

The Secretary of Environment is the official State Designee for implementation of New Mexico's occupational health and safety program, but authority for managing the day-to-day operations of the program has been delegated to the Occupational Health and Safety Bureau Chief. OHSB is organized functionally, with specific programs managed by Program Managers. In FY 2015, the Bureau will have twenty-nine Full Time Employee (FTE) positions funded by a

combination of federal grants and state matching funds. The total number of positions funded by the 23(g) grant and matching state funds is contained in the Personnel Funding Chart in section III.D.

By way of an Operational Status Agreement signed on October 5, 1981, New Mexico assumed responsibility for all enforcement activity in both private and public sectors, except for those issues outlined in the agreement for which Federal OSHA retains responsibility. On October 20, 1997, a Federal Register notice was published which amended the level of Federal enforcement in New Mexico regarding military installations and Native American reservation lands.

New Mexico has adopted CPL 02-00-051 (CPL 2-0.51J) and previous Federal OSHA Instructions relating to enforcement exemptions and limitations under the OSHA Appropriations Act.

III. Profile of the New Mexico Occupational Health and Safety Bureau

A. State Demographic Profile

The following chart shows the number of New Mexico employees by industry segment. (Source: U.S. Bureau of Labor Statistics.)

New Mexico Workforce					
Private Industry	NAICS	2012 Establishments	2012 Employees	2011 Employees	1 Year Growth Rate
Agriculture, Forestry, Fishing	11	795	10,877	10,351	4.8%
Mining, Oil & Gas	21	1026	23,960	21,247	11.3%
Oil & Gas Extraction	211	246	5,026	4,795	4.6%
Utilities	22	265	4,383	4,367	0.4%
Construction	23	5565	41,196	42,199	-2.4%
Manufacturing	31-33	1665	29,661	29,560	0.3%
Wholesale	42	2990	21,439	21,001	2.0%
Retail Trade	44-45	6382	90,960	90,206	0.8%
Trans/ Warehousing	48-49	1486	17,281	16,458	4.8%
Information	51	927	13,550	13,451	0.7%
Finance, Insurance	52	2719	20,897	21,005	-0.5%
Real Estate	53	2281	9,668	9,650	0.2%
Prof/Tech Services	54	6606	52,393	53,567	-2.2%
Management	55	312	4,985	5,071	-1.7%
Admin & Waste Services	56	2937	40,416	41,463	-2.6%
Educational Services	61	798	8,821	8,360	5.2%
Health Care & Social Assistance	62	5960	105,368	103,605	1.7%
Arts, Entertainment	71	700	8,879	8,443	4.9%
Accommodation & Food Service	72	4083	77,346	75,933	1.8%
Other Services	81	4164	21,015	20,642	1.8%
Unclassified	99	16	12	15	-25.0%
	Private	51,676	603,104	601,389	0.3%

Public Sector	NAICS	2012 Establishments	2012 Employees	2011 Employees	1 Year Growth Rate
Utilities	22	135	1,796	1,787	0.5%
Construction	23	94	1,416	1,440	-1.7%
Retail Trade	44-45	30	815	810	0.6%
Trans/ Warehousing	48-49	364	5,101	5,020	1.6%
Information	51	83	1,213	1,156	4.7%
Finance, Insurance	52	9	68	78	-14.7%
Real Estate	53	16	374	352	5.9%
Prof/Tech Services	54	40	804	736	8.5%
Admin & Waste Services	56	142	1,323	1,266	4.3%
Educational Services	61	546	68,816	71,837	-4.4%
Health Care & Social Assistance	62	207	21,291	21,163	0.6%
Arts, Entertainment	71	144	7,788	8,110	-4.1%
Accommodation & Food Service	72	25	4,867	5,175	-6.3%
Other Services	81	83	473	485	-2.5%
Public Administration	92	1732	62,167	61,769	0.6%
	Public	3,765	182,330	184,319	-1.1%
	Total	55,441	785,434	785,708	0.0%

- Oil & Gas extraction grew 4.6% which follows two years of growth (5.6% and 8.6%).
- Agriculture industries grew by 4.8%, offsetting somewhat the previous year's loss of 11.3%.
- The construction industry lost employees for the third straight year.
- Healthcare continues to add approximately 2000 private sector employees a year.

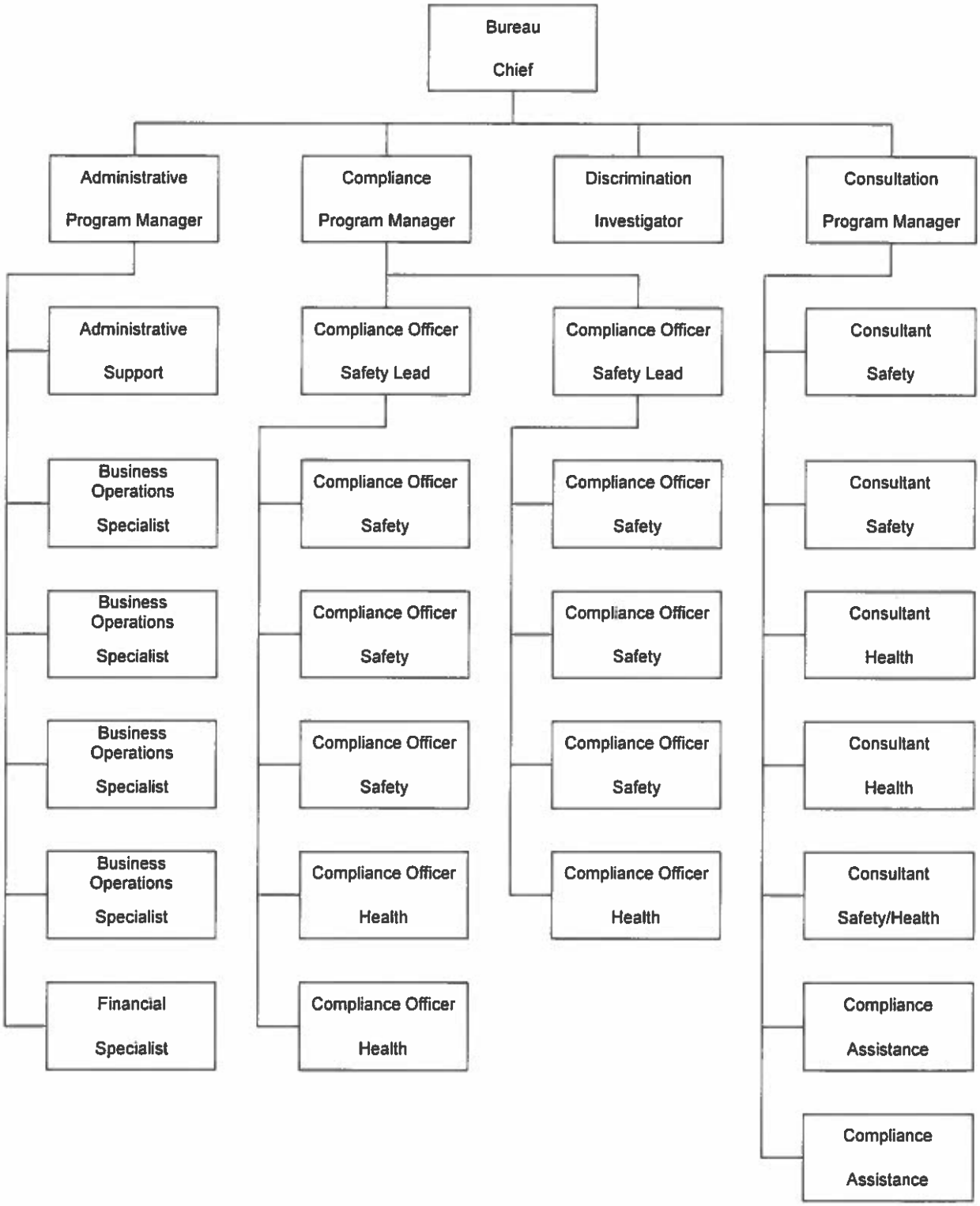
B. Coverage

OHSB has jurisdiction over most private sector industries within the State. Exceptions are for federal civilian employees and a few private sector employees working within federal establishments and on military and Native American lands. OHSB also has jurisdiction over state and local government employees.

OHSB conducts whistleblower investigations for covered employees only for the activities described by Section 50-9-25 of the Act, comparable to section 11(c) protection from the federal act. OHSB refers complaints covered by other federal whistleblower statutes to federal OSHA.

C. Organizational Chart

The functional organization of OHSB personnel is shown on the following chart.



D. Personnel Funding

The total number of staff in the compliance and consultation programs, expressed in terms of full-time equivalents, is 21.68 and 6.2, respectively.

The details of the personnel allocations, along with those for the Bureau of Labor Statistics program, are shown below:

23(g) Personnel Funding Breakout Chart

23(g) Grant Positions	Allocated FTE Funded 50/50	Allocated FTE 100% State Funded	Total	50/50 Funded FTE On Board as of 8/15/13	100% State Funded FTE On Board as of 8/15/15
Managers/Supervisors (Admin)	3.00		3.00	3.00	
First Line Supervisors			0.00		
Safety Compliance Officers	7.00		7.00	6.00	
Health Compliance Officers	3.00		3.00	2.00	
Private Sector Safety Consultants (KY, PR, WA)			0.00		
Private Sector Health Consultants (KY, PR, WA)			0.00		
Public Sector Safety Consultants	0.45		0.45	0.30	
Public Sector Health Consultants	0.45		0.45	0.30	
Compliance Assistance Specialist	2.00		2.00	2.00	
Trainers			0.00		
Clerical/Admin/Data System	3.93		3.93	3.47	
Other Financial	1.00		1.00	1.00	
Total 23(g) FTE	20.83	0.00	20.83	18.07	0.00

IV. Mandated Activities

Activities mandated under the OHS Act are considered core elements of New Mexico's Occupational Health and Safety program, and provide an essential safety net for workers exposed to hazards that have the potential to cause death or serious physical harm.

Unannounced enforcement inspections with first instance sanctions remain a core function and will continue this practice without significant change under New Mexico's Strategic Plan. New Mexico's continued participation in both the Bureau of Labor Statistics (BLS) Annual Survey of Occupational Injuries and Illnesses and the OSHA Data Collection Initiative program will provide data that will be used to schedule most programmed inspections.

While some specific mandated activities have measurable goals, OHSB will measure these activities for monitoring purposes, to gauge program effectiveness in the specified areas, rather than for the Strategic Plan. New Mexico will continue to perform all mandated activities, including the following:

- Unannounced inspections, including prohibition against advance notice
- Legal procedures for right of entry
- First instance sanctions
- Ensuring documented abatement of potentially serious or fatal conditions
- Prompt adoption/incorporation of standards
- Counteractions of imminent dangers
- Response to complaints
- Fatality/Catastrophe investigations
- Ensuring employee protection against discrimination
- Posting of employee protections and rights
- Right of an employee representative to participate in walk around
- Right of an employee to review a decision not to inspect following a complaint
- Employee access to hazard and exposure information
- Public employee coverage under the OHS Act
- Safeguarding employers' trade secrets
- Recordkeeping and reporting
- Voluntary compliance activity

V. Projected Activities / Goals

The Performance Goals for FY2015 are designed to provide a framework for accomplishing the goals of OHSB's Five Year Strategic Plan. This Annual Performance Plan also details the means and strategies that will be utilized to accomplish these performance goals during the fiscal year and include 23(g) enforcement and 21(d) consultation programs.

A. Strategic Goal 1

The first goal described as "Reduce injuries, illnesses, and fatalities by working with employers to reduce occupational hazards and exposures" is to be accomplished in six specific performance areas, which are identified as Goal 1.1 through Goal 1.6. The performance goals are to: (1) reduce the New Mexico injury and illness DART rate by 1%; (2) reduce the number of OSHA-investigated fatalities by 1%; (3) increase the number of consultation exemption program participants by 1; (4) decrease the DART rate among top-level partnership members by 2%; and (5) increase the number of VPP participants by 1.

Five Year Strategic Goal: 1.1	Reduce the total New Mexico injury and illness DART rates by 5% through 2019 by focusing on targeted safety and health hazards.
FY 2015 Performance Goal: 1.1	Reduce the total injury and illness DART rate to less than 2.0 for CY2015 by conducting 400 enforcement inspections and 250 consultation visits. (Note: it will not be possible to measure this until BLS releases data in late 2016.)
FY 2015 Performance Indicators:	Activity Measures: • Number of enforcement inspections • Number of consultation visits Primary Outcomes: • Injury and illness DART rate of less than 2.0 for CY2015
Data Source(s):	Activity Measures: IMIS Primary Outcomes: BLS Survey
Baseline:	The last DART available when the 5-year plan was created was 2.0 in 2012.

5 Year Strategic Goal: 1.2	Reduce the 5-year average rate of OHSB investigated workplace fatalities by 5% through scheduled inspections and visits at workplaces in targeted industries.
FY 2015 Performance Goal: 1.2	Experience fewer than 11 workplace fatalities requiring OHSB investigation in FY2015.
FY 2015 Performance Indicators:	Activity Measures: • Number of enforcement inspections in Oil & Gas • Number of consultation visits in Oil & Gas • Number of enforcement inspections in Construction • Number of consultation visits in Construction

	• Number of fatalities in Oil & Gas • Number of fatalities in Construction Primary Outcome Measure: • Record fewer than 11 OHSB investigated fatalities
Data Source(s):	Activity Measures: IMIS/OIS Primary Outcomes: IMIS/OIS
Baseline:	For the 5-Year period from FY09 to FY13, there were: • an average of 11.2 OHSB investigated fatalities (56/5)

5 Year Strategic Goal: 1.3	Increase the number of new participants in SHARP by 5.
FY 2015 Performance Goal 1.3	Increase the number of new participants in SHARP by 1 employer.
FY 2015 Performance Indicators:	Activity Measures: • Number of Pre-SHARP visits • Number of SHARP visits Intermediate Outcome Measures: • Number of new employers in Pre-SHARP status • Number of new employers in residential construction SHARP Pilot program Primary Outcomes: • Have 6 current SHARP employers
Data Source(s):	SHARP participants list maintained at OHSB
Baseline:	When OHSB established the 5-Year plan (as of July 1, 2014), there were 5 SHARP employers.

5 Year Strategic Goal: 1.4	Improve the quality of participant health and safety programs by reducing top-level member DART rates by 10% through 2019.
FY 2015 Performance Goal 1.4	Reduce DART rates for top-level members by 2%.
FY 2015 Performance Indicators:	Activity Measures: • Verification activities for ABC • Verification activities for ACNM • Verification activities for AGC • Verification activities for ASA • Verification activities for MCA • Verification activities for NUCA Intermediate Outcome Measures:

	• Injuries and illnesses for ABC members • Injuries and illnesses for ACNM members • Injuries and illnesses for AGC members • Injuries and illnesses for ASA members • Injuries and illnesses for MCA members • Injuries and illnesses for NUCA members Primary Outcomes: • DART rate for all ABC members • DART rate for all ACNM members • DART rate for all AGC members • DART rate for all ASA members • DART rate for all MCA members • DART rate for all NUCA members
Data Source(s):	Cooperative programs members list maintained at p:\\Occupational Health & Safety Bureau\Partnerships
Baseline:	The 2014 average DART rates for members will not be available until February 1, 2015.

5 Year Strategic Goal: 1.5	Increase the number of VPP participants by 5.
FY 2015 Performance Goal 1.5	Increase the number of VPP participants from 13 to 14.
FY 2015 Performance Indicators:	Activity Measures: Number of candidates for VPP Intermediate Outcome Measures: Number of new VPP participants Primary Outcomes: 14 current VPP participants.
Data Source(s):	Cooperative programs members list maintained at p:\\Occupational Health & Safety Bureau\Partnerships\SpecialPrograms.xls
Baseline:	As of July 1, 2014, New Mexico had 13 VPP participants.

The preceding charts provide the necessary framework to direct OHSB resources during the fiscal year towards meeting Strategic Goal 1. The means and strategies that OHSB will utilize include the following:

1. Maintain a strong enforcement presence as an effective deterrent for employers who fail to meet their safety and health responsibilities. OHSB will continue to explore ways to improve inspection targeting, identification of workplace hazards, and abatement of those hazards.

2. Leverage the Bureau's enforcement resources using data and results-driven approaches to identify and address hazards, industries, and occupations.

3. OHSB will continue to provide on-site consultation and compliance assistance with special emphasis towards small employers in the targeted industries and occupations. The Bureau will proactively assist these employers in the development and implementation of comprehensive health and safety programs.
4. Continue to provide technical training for Consultants, Compliance Assistance Specialists, and Compliance Officers in hazard identification, hazard correction techniques, standards, regulations, assessment of risk, assessments of exposure, and safety and health program requirements.
5. OHSB's strategy will deliver effective outreach, education, and training, and will increase employer and employee awareness of health and safety issues by:
   a. Providing outreach and training to reduce hazards, injuries, and illnesses in targeted industries;
   b. Providing staff to serve as advisors to the local STEPS network as well as other oil and gas trade organizations;
   c. Sponsoring, as resources permit, training seminars and continuing to develop and implement courses designed for other New Mexico health and safety professionals;
   d. Implementing a target-specific outreach program with the following elements:
      - Utilize the OHSB web site to distribute "New Mexico Fatal Facts" to businesses and industries;
      - Maintain the OHSB Web site;
      - Continue coordination with New Mexico Small Business Assistance Programs to increase awareness of health and safety regulations; and
      - Promote health and safety programs to new employers and employees through local Chamber of Commerce, community colleges, and technical/vocational schools.

B. Strategic Goal 2

The second goal, defined as "Maximize OHSB effectiveness by striving for continuous improvement in all areas of service delivery", will be measured in three specific areas.

1. Initiate inspections for reported fatalities within 1 working day,
2. Initiate investigations (inspections or inquiries) for referrals alleging serious hazards within 10 working days, and
3. Complete discrimination investigations within 60 days.

5 Year Strategic Goal: 2.1	Initiate inspections for reported fatalities within 1 working day 100% of the time.

FY 2015 Performance Goal: 2.1	Initiate inspections for reported fatalities within 1 working day 100% of the time.
FY 2015 Performance Indicators:	Activity Measures: • Number of fatality reports in fiscal year. Intermediate Outcome Measures • Number of fatality reports under OHSB jurisdiction in fiscal year • Number of fatality reports under OHSB jurisdiction responded to within 1 working day Primary Outcomes: • % of response to fatality reports under OHSB jurisdiction initiated within 1 working day
Data Source(s):	Activity Measures: IMIS / OIS Intermediate Outcome Measures: IMIS / OIS Primary: IMIS / OIS
Baseline:	100%

5 Year Strategic Goal: 2.2	Conduct investigations, by inspection or inquiry, for referrals alleging serious hazards within 10 working days 95% of the time.
FY2015 Performance Goal: 2.2	Conduct investigations for referrals alleging serious hazards within 10 working days 95% of the time.
FY2015 Performance Indicators:	Activity Measures: • Number of referrals alleging serious hazards responded to during the year • Number of investigations for these referrals responded to within 10 working days Intermediate Outcome Measures: Average number of working days to conduct investigations for referrals alleging serious hazards Primary Measures: % of investigations conducted within 10 working days
Data Source(s):	Activity Measures: IMIS / OIS Intermediate Outcome Measures: IMIS / OIS Primary: IMIS / OIS
Baseline:	95%

5 Year Strategic Goal: 2.3	Complete discrimination investigations within 60 days 95% of the time.

FY 2015 Performance Goal: 2.3	Complete discrimination investigations within 60 days 95% of the time.
FY 2015 Performance Indicators:	Activity Measures: Number of discrimination cases opened Intermediate Outcome Measures: Number of discrimination cases completed within 60 days Primary Outcomes: % of discrimination cases completed within 60 days
Data Source(s):	Discrimination worksheet located at: P:\Occupational Health & Safety Bureau\Whistleblower\Discrimination Information\DiscCases10
Baseline:	95%

These three goals provide the necessary framework to direct OHSB resources during the fiscal year toward meeting Strategic Goal 2. The OHSB means and strategies to be utilized to reach these goals include the following:

- Provide enhanced investigation interviewing training to sharpen the skills of the field staff to ensure comprehensive investigations of fatalities and catastrophes.
- Maintain remote staffing of Enforcement Officers in order to respond quickly to all parts of the State.
- Incorporate ideas and procedures obtained during Discrimination Investigator training into the investigation and documentation process for discrimination investigations.

VI. Conclusion

The New Mexico Occupational Health and Safety Bureau will continue its efforts throughout the fiscal year to refine and implement strategies and action plans to secure measurable accomplishments. OHSB will identify potential data sources and refine collection processes to improve efforts in meeting or exceeding the strategic goals set forth in both the Five Year Strategic Plan and this FY2015 Annual Performance Plan.