

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD
NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing on May 15, 2015 at 10:00 am Old PERA Bldg. Apodaca Hall, 1120 Paseo De Peralta P.O. Box 1269, Santa Fe, New Mexico 87504 the purpose of the hearing is to consider the matter of No. EIB 14-06(R), Petition to Amend 11.5.1.16 NMAC of the Occupational Health and Safety Regulations.

The proponent of this regulatory amendment is the New Mexico Environment Department (“NMED”) Occupational Health and Safety Bureau (“OHSB”).

The purpose of the public hearing is to consider and take possible action on a petition from NMED to amend 11.5.1.16 NMAC, *Recordkeeping and Reporting Occupational Injuries and Illnesses*. NMED is proposing an amendment to 11.5.1.16 NMAC that would conform to the changes made by the federal Occupational Safety and Health Administration. The federal amendment requires that employers report all work-related fatalities within eight hours of the event, and all work-related in-patient hospitalizations that require care or treatment, all amputations, and all losses of an eye within 24 hours. While 11.5.1.16 NMAC currently incorporates the federal requirements in 29 C.F.R. Part 1904, *Recording and Reporting Occupational Injuries and Illnesses*, NMED is proposing to remove and replace language in 11.5.1.16 NMAC that references the old reporting requirements.

The Board may make a decision on the proposed amendment at the conclusion of the hearing, or the Board may convene a meeting at a later date to consider action on the proposed rulemaking.

The proposed amendment may be reviewed during regular business hours at the NMED Occupational Health & Safety Bureau office, 525 Camino de los Marquez, Suite 3, Santa Fe, New Mexico. Copies of the proposed amendment may be obtained by contacting Robert Genoway at (505) 476-8718 or robert.genoway@state.nm.us. The proposed amendment can also be found on the NMED OHSB website at www.nmenv.state.nm.us/Ohsb_Website/ProposedRegs/.

The hearing will be conducted in accordance with 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*; NMSA 1978, Section 74-1-9 (1985) of the Environmental Improvement Act; NMSA 1978, Section 50-9-12 (1993) of the Occupational Health and Safety Act; and other applicable procedures.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- (1) identify the person for whom the witness(es) will testify;
- (2) identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;

- (3) include a copy of the direct testimony of each technical witness in narrative form;
- (4) list and attach each exhibit anticipated to be offered by that person at the hearing; and
- (5) attach the text of any recommended modifications to the proposed regulatory change.

Notices of intent to present technical testimony at the hearing must be received by the Office of the Board no later than 5:00 p.m. on April 24, 2015 and should reference the date of the hearing and docket number EIB 14-06(R). Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator
Environmental Improvement Board
1190 St. Francis Dr., N-2150
P.O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2425; Fax: (505) 827-0310

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any member of the public may also offer exhibits in connection with his/her testimony, as long as the exhibit is not unduly repetitious of the testimony. A member of the general public who wishes to submit a non-technical written statement for the record in lieu of oral testimony shall file the written statement prior to the hearing, or submit it at the hearing.

If you are an individual with a disability and you require assistance or an auxiliary aid to participate, please contact Juan Carlos Borrego at the NMED Human Resources Bureau by May 1, 2015. The Human Resources Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469; telephone: (505) 827-0424; or email: juancarlos.borrego@state.nm.us. TDD users may access Mr. Borrego's number via the New Mexico Relay Network at 1-800-659-1779.