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October 1, 2014

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 15-05

- Subject:** Local Emphasis Program (LEP) for Health and Safety Hazards Associated with Waste Management and Remediation (NAICS 562).
- A. Purpose:** This notice establishes an LEP 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 Instruction ADM 1-1.38, August 28, 2003, The IMIS Enforcement Data Processing Manual for use with the NCR, and subsequent changes.
 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 14-05 dated October 1, 2013 through September 30, 2014.
- E. Expiration:** This notice expires on September 30, 2015, 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 LEP for Health and Safety Hazards Associated with Waste Management and Remediation.
- G. Background:** OHSB initiated this LEP in 2008 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. 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 enters its sixth year of this emphasis program,

DART rates have steadily fallen 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 remains lower than the nationwide average of 3.4 for the same year. OHSB will continue the LEP for FY 2015 with a reduced 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 2015, 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 2015 inspection cycle.
3. The list will be consecutively numbered and a random numbers table applied. The inspection cycle for FY 2015 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. IMIS Recording: Information pertaining to Health and Safety Hazards Associated with Waste Management and Remediation shall be recorded in the IMIS following current instructions in the IMIS manual. The identifier code will be "WASTEMGT".

1. The identifier "WASTEMGT" will be recorded in item 25c on the OSHA-1 form for all LEP inspections.
2. The appropriate strategic plan code "WASTEMGT" 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 Local 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

A handwritten signature in blue ink, appearing to read "R. Genoway", is written over a horizontal line.

Robert Genoway
Chief, Occupational Health and Safety Bureau