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October 1, 2011

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 12-01

- Subject:** Local Emphasis Program (LEP) for Health and Safety Hazards in the Warehouse and Wholesale Industries. (NAICS 493 and 424)
- A. Purpose:** This notice establishes an LEP for Health and Safety Hazards in the Warehouse and Wholesale Industries. (NAICS 493 and 424)
- 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, November 20, 2006, Exemptions and Limitations Under the Appropriations Act, with current Appendix A.
- D. Cancellation:** This notice does not cancel any notice.
- E. Expiration:** This notice expires on September 30, 2012.
- F. Action:** OHSB Compliance personnel will ensure that the procedures contained in this notice are followed in conducting the LEP for Health and Safety Hazards in the Warehouse and Wholesale Industries. (NAICS 493 and 424)

- G. Background: OHSB is initiating this LEP to address the high rates of injuries for the Warehouse and Wholesale Industries. The nationwide injury rates for the Warehouse Industry area are more than triple the average for all industries (DART rate of 4.3 vs. 1.9 in 2009). The injury rate in New Mexico for 2009 is even higher at 4.5.
- The nationwide 2009 DART rate for Merchant Wholesale (NAICS 424) was 2.9 compared to an average of 1.9 for all industries. The New Mexico 2009 DART rate was 4.2 compared to our overall average of 1.9.
- The event causing injury in this industry is most commonly overexertion, with strains to the back being the most common injury. OHSB will strive to raise the awareness of injury potential and prevention techniques through compliance efforts.
- H. Procedures: In FY 2012, OHSB will increase awareness of safety issues by focusing its compliance efforts on the warehouse and wholesale industries.
1. The Compliance Program will conduct at least ten (10) inspections per year at facilities in NAICS 493 and 424 selected from the Directories USA data base.
 2. Any facility that has received a comprehensive inspection within the previous 3 years will not be inspected.
 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 last 12 months.
 4. OHSB reserves the right to re-inspect any worksite that has a fatality or catastrophe, or receives a complaint or referral, at any time during the period covered by this notice.
- I. IMIS Recording: Information pertaining to the Health and Safety Hazards in the Warehouse Industry shall be recorded in the IMIS following current instructions in the IMIS manual. The identifier code will be "WAREHSE".
1. The identifier "WAREHSE" will be recorded in item 25c on the OSHA-1 form for all LEP inspections.
 2. The appropriate strategic plan code "WAREHSE" 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 30 days of the end of each fiscal year. Elements to be considered in the evaluation include:
1. Number of establishments and/or operations visited under the program;
 2. Number of establishments and/or operations that were in violation of OHSB standards and/or general duty requirements of the OHS Act.

3. Number of establishments that complete abatement of hazards determined to be in violation of OHSB standards 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

Mary Uhl
Chief, Occupational Health and Safety Bureau