

**MICHELLE LUJAN GRISHAM, GOVERNOR**

James C. Kenney, Cabinet Secretary

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The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

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City of Albuquerque and Consolidated Builders of NM, LLC issued citations for exposing workers to asbestos at Gateway Center

City and general contractor receive citations and fines for violations of the Occupational Health and Safety Act

ALBUQUERQUE — Today, the New Mexico Environment Department's Occupational Health and Safety Bureau (OHSB) cited the City of Albuquerque and Consolidated Builders of NM, LLC for workplace safety issues related to asbestos exposures at the Women's Shelter within the Gateway Center. The OHSB investigation concluded that the City of Albuquerque and Consolidated Builders violated the New Mexico Occupational Health and Safety Act by demonstrating plain indifference for the safety and health of employees and exposed employees to asbestos between April 11, 2022 and March 9, 2023.

The City of Albuquerque was issued a \$761,112 fine for five Willful-Serious citations and two Serious citations. Consolidated Builders was issued a \$331,475 fine for eight Willful-Serious citations and one Serious citation.

The Willful-Serious citations to the City of Albuquerque include:

- Failing to conduct asbestos work within a regulated area;
- Failing to ensure that an exposure assessment was conducted at the beginning of the project (before potential exposures could occur);
- Failing to ensure that an asbestos "competent person" was present to supervise certain types of work;
- Failing to determine the presence, location, and quantity of asbestos containing material at the Gateway Women's Shelter (prior to work beginning); and
- Failing to ensure that all waste material was properly contained and disposed of.

The Serious citations to the City of Albuquerque include:

- Failing to communicate the hazards associated with exposure to respirable asbestos fibers to employees;
- Failing to designate a "competent person" with the qualifications and authorities to ensure worker safety.

The Willful-Serious citations to Consolidated Builders include:

- Failing to notify other employers that asbestos work was being conducted;

- Failing to conduct asbestos work within a regulated area;
- Failing to ensure that an exposure assessment was conducted at the beginning of the project;
- Failing to dispose of asbestos materials in a leak-tight container;
- Failing to use wet methods to clean up asbestos containing materials;
- Failing to communicate the hazards associated with exposure to respirable asbestos fibers to employees;
- Failing to train employees on properly performing asbestos removal;
- Failing to protect employees from the release of asbestos when removing floor tiles.

The Serious citation to the Consolidated Builders include:

- Failing to implement a respiratory protection program for employees using respirators.

Prior to OHSB issuing its citations, the City of Albuquerque acknowledged responsibility for mistakes and notified individuals they identified as having visited the Gateway Women’s Shelter construction area within the Gibson Health Hub between April 11, 2022 and March 9, 2023 of their potential exposure to asbestos. Individuals who believe they were exposed should contact their medical provider and ask for guidance.

OHSB administers the Occupational Safety and Health Administration program in the State of New Mexico. This civil investigation was conducted pursuant to 50-9-17 NMSA, which requires OHSB to issue a citation within six months following the occurrence of any violation of the Occupational Health and Safety Act or implementing rules. OHSB’s authority is to evaluate actions of the employer to determine if the Act was violated.

Under requirements of the New Mexico Occupational Health and Safety Act, the City of Albuquerque and Consolidated Builders have 15 business days after receiving the citation to either pay the penalty and provide OHSB with certification of corrective action, or to contest the citation with the Occupational Health and Safety Review Commission.

Asbestos is well recognized as a health hazard and construction activities involving asbestos containing material is highly regulated by both OHSB and the U.S. Environmental Protection Agency (EPA). Asbestos fibers are too small to be seen with the naked eye. Breathing asbestos fibers can cause a buildup of scar-like tissue in the lungs called asbestosis and result in loss of lung function that often progresses to disability and death. Asbestos also causes cancer of the lung and other diseases such as mesothelioma of the pleura which is a fatal malignant tumor of the membrane lining the cavity of the lung or stomach. It normally takes decades for symptoms of asbestos-related disease to develop.

“Employees should speak up about unsafe workplace conditions or report them anonymously to us,” said **OHSB Bureau Chief Robert Genoway**. “As a reminder, it is illegal for any employer to retaliate against any employee who alleges a workplace safety violation or who participates in a Bureau investigation.”

Employees in New Mexico can report a workplace health and safety concern by using our online form or sending the complaint via email at complaints.osha@state.nm.us or by calling 505-476-8700 (or toll-free at 1-877-610-6742). An employee can request that their identity remain confidential.

The inspection citations and reports are available [here](#).

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