

New Mexico Field Operations Manual
Chapter 6
Appendix A
Adjustment of OHSB Civil Penalties

Purpose

The penalty information included in this Appendix is intended to supplement the penalty information found in Chapter 6 of the New Mexico Field Operations Manual and reflects penalty amounts effective April 1, 2024.

Background

Senate Bill 229 ("SB 229"), signed into law on April 6, 2017, amended the Occupational Health and Safety Act to adjust maximum and minimum penalties in conformance with Federal law. See NMSA 1978, § 50-9-24(J). The legislation conformed to the requirements of the Federal Occupational Safety and Health Act, the FCPAA, and Federal OSHA rules for approval of State occupational health and safety plans.

SB 229 also amended the Occupational Health and Safety Act, NMSA 1978, Section 50-9-24(J), requiring the Cabinet Secretary of the Environment Department to adjust penalty levels on an annual basis.

Minimum and Maximum Penalties

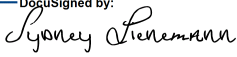
Pursuant to NMSA 1978, Section 50-9-24(J) for annual penalty adjustments, the maximum and minimum penalty amounts listed herein are amended as provided in Table 6A-1 below.

Table 6A: Maximum and Minimum Civil Penalties

Subsection of NMSA 1978	Type of Violation	Remove Penalty Levels Effective April 1, 2023	Add penalty levels effective April 1,2024
50-9-24. A	Repeat Willful Willful	Maximum \$155,442 Maximum \$155,442 Minimum \$11,135	Maximum \$160,727 Maximum \$160,727 Minimum \$11,513
50-9-24.B	Serious	\$15,543 per violation	\$16,071 per violation
50-9-24.C	Other	\$15,543 per violation	\$16,071 per violation
50-9-24.D	Failure to Abate	\$15,543 per day beyond the abatement date	\$16,071per day beyond the abatement date
50-9-24.G	Posting	\$15,543 per violation	\$16,071 per violation

This Appendix supersedes all prior appendices of Chapter 6 of the New Mexico Field Operations Manual.

By and Under the Authority of

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James C. Kenney, Cabinet Secretary
 New Mexico Environment Department