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October 1, 2020

New Mexico Occupational Health and Safety Bureau (OHSB) Directive 21-03

Subject: State Emphasis Program (SEP) for Health and Safety Hazards in the Oil and Gas Well Drilling and Servicing Industry (NAICS 211 and 213).

- A. Purpose: The purpose of this notice is to establish an enforcement initiative and efforts of cooperative programs to reduce fatalities and catastrophic events in the Oil and Gas Well Drilling and Servicing Industry (NAICS 211 and 213).
- B. Scope: This notice applies to worksites in the State of New Mexico within OHSB jurisdiction.
- C. References: The following documents are referenced in or applicable to this instruction.
1. New Mexico Field Operations Manual
 2. OSHA Information System (OIS) Modules for Enforcement, Consultation and Compliance Assistance, current and subsequent versions.
 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 20-03 dated October 1, 2020.
- E. Expiration: This notice expires on September 30, 2021 but may be renewed as necessary.
- F. Action: OHSB personnel will ensure that the procedures contained in this notice are followed when conducting SEP activities in the Oil and Gas Well Drilling and Servicing Industry (NAICS 211 and 213).
- G. Background: The potential for serious accidents, catastrophic accidents, and worksite fatalities has been recognized for the Oil and Gas Well Drilling and Servicing Industry. Statistical data shows this industry accounted for a far greater

percentage of workplace fatalities and serious accidents in New Mexico than would be expected for such a relatively small workforce.

Inspection data suggests that the leading causes of death within the oil and gas industry include: explosions, fires, falls, struck-by, caught-in, caught between, and electrocutions.

H. Compliance: In FY 2021, the OHSB Compliance Section will conduct approximately twenty-five (25) comprehensive random inspections from a list of all employers in NAICS 211 and 213.

1. The Oil and Gas list will be generated based upon observation of activity at mobile worksites. Due to the highly mobile nature of the oil and gas well drilling and servicing industry, and the fact that many of the companies performing this activity are based outside of New Mexico, it is not possible to keep an accurate or current universal listing of employers or their equipment. Therefore, OHSB Compliance Officers assigned to conduct inspections are to actively seek out worksites by visual means.
2. Any worksite that has received a comprehensive inspection within the previous thirty (30) days will not be subject to another comprehensive re-inspection, with the exception of inspections covered by paragraph H.5 below.
3. Due to the highly mobile nature of the worksites and the potential for serious accidents and fatalities, inspectors will complete a comprehensive inspection with a special emphasis on explosion, fire, fall, struck-by, caught-in, caught between, and electrocution hazards on all sites and companies 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 worksite that has a fatality, reportable injury or illness, or receives a complaint or referral, at any time during the period covered by this notice.

I. Outreach: In FY 2021, the OHSB Compliance Assistance Specialists will conduct a total of ten (10) activities in NAICS 211 and 213 such as:

1. Coordinating and participating in alliance-related activities;
2. Conducting outreach activities at industry conferences and conventions;
3. Developing and distributing outreach materials and publications;
4. Providing technical assistance as requested; and,

5. Preparing and conducting informal and formal presentations, outreach and training.

J. Consultation: In FY 2021, the OHSB Consultation Section will conduct a total of five (5) activities in NAICS 211 and 213 such as:

1. Assigning high priority to requests from the oil and gas industry (NAICS 211 and 213) and conducting visits as requested;
2. Providing technical assistance as requested;
3. Participating in industry conferences and conventions to solicit requests; and,
4. Preparing and conducting informal and formal presentations, outreach and training.

K. OIS Recording: Information pertaining to this SEP shall be recorded in the OIS following current instructions in the each of the respective modules in the OIS User Guides. The identifier code will be "OILGAS".

L. Evaluation: An evaluation of the effectiveness of this state 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 SEP targeting system;
2. Number of sites and/or operations visited under the program;
3. Number of companies and/or operations that were in violation of OHSB standards and/or general duty requirements of the OHS Act;
4. Number of employees removed from risk;
5. Number of hazards abated; and
6. Change in fatality rates within the industry and among companies receiving inspections, using case file and Bureau of Labor Statistics data.

By and Under the Authority of



Robert Genoway
Chief, Occupational Health and Safety Bureau