

**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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**OHSB issues new guidance on COVID-19 reporting in the workplace***Approach aligns with guidance from CDC and NM DOH*

**SANTA FE** — Today, New Mexico Environment Department's (NMED) Occupational Health and Safety Bureau (OHSB) is announcing that it will seek a revision to the COVID-19 Reporting Rule by the Environmental Improvement Board (EIB) based on current guidance from the Centers for Disease Control and the New Mexico Department of Health.

Based on newly [issued internal guidance](#), beginning on September 29, 2022 and lasting until the COVID-19 Reporting Rule is revised, OHSB inspectors will exercise enforcement discretion with New Mexico employers found to be in violation of the Rule, which requires employers to report positive cases within four hours. Stand-alone violations of the COVID-19 Reporting Rule will be considered de minimis and OHSB will not issue citations or penalties specific to the Rule.

This change affects only the requirements of 11.5.1.16.C NMAC for reporting of positive COVID-19 cases within four hours. Employers must continue to [report COVID-19 hospitalizations and fatalities](#) and record work-related cases on injury and illness logs in accordance with 11.5.1.16.A and B NMAC and incorporated federal requirements of 29 CFR part 1904.

During this interim period, NMED's COVID Response Team will remain available to employers to provide support and advice on best practices for keeping their workers safe from COVID-19 in the workplace.

On Aug. 5, 2020, NMED filed an emergency rule amendment to require employers to report positive COVID-19 cases in the workplace to the OHSB within four hours of being notified of the positive case. The emergency amendment, contained in 11.5.1.16.C NMAC, is available [here](#). This requirement was adopted as a permanent rule by the EIB on Dec. 18, 2020.

OHSB staff helps employers protect employees and their customers and ensure continuity of business operations. From 2020 through Aug. 2022, OHSB responded to more than 70,000 reported workplace exposures of COVID-19. In the fiscal year that ended on June 30, 2022, [63.5% of employers inspected did not meet Occupational Safety and Health Administration \(OSHA\) requirements for at least one standard.](#)

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