ENFORCEMENT WATCH ALERT

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.

NEWS RELEASE
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Enforcement Watch Alert: 61 enforcement actions initiated; 20 resolved in October 2026

NMED's OHSB works to keep New Mexico workers safe

SANTA FE — The New Mexico Environment Department is highlighting the ongoing success of its Enforcement Watch initiative, a transparency-focused program providing the public with consistent and timely information about the Department's enforcement actions across environmental protection, public health, and worker safety programs.

By making enforcement data accessible, Enforcement Watch reinforces NMED's commitment to New Mexico residents for accountability and regulatory compliance statewide.

Launched in June 2023, Enforcement Watch shares monthly updates on enforcement actions and their resolutions. These updates are broadly divided into two categories:

- **Active Matters**: Alleged violations of state regulations, rules, permits, or licenses that are currently under investigation or pending resolution.
- **Resolved Matters**: Cases that have been adjudicated in court or administratively resolved, including the full payment of any civil penalties.

Spotlight: Occupational Health and Safety Bureau

The Occupational Health and Safety Bureau (OHSB) enforces workplace health and safety regulations in New Mexico. The bureau consists of three sections: consultation and compliance assistance, enforcement of the New Mexico Occupational Health and Safety Act and Whistleblower Statute, and data collection for the U.S. Bureau of Labor Statistics.

Through targeted enforcement, compliance assistance and outreach, OHSB works to reduce workplace injuries and illnesses, focusing on industries with elevated risks. Priority industries

include construction, oil and gas, primary and fabricated metals, silica-related work, and nursing. The bureau also emphasizes National Emphasis Programs targeting hazards such as heat, falls and process safety management.

To date in 2026, OHSB has opened 245 inspections, including 76 in the construction sector and 35 in the oil and gas sector. These industries are priorities because of their elevated risks of workplace injuries, illnesses, accidents and fatalities.

Of the 245 inspections, 127 have been closed or have resulted in citations, with total proposed civil penalties of $1.2 million. Construction-related cases account for $595,871 of those penalties. OHSB expects to issue citations for an additional 75 inspections by Dec. 31, 2026.

In some instances, penalties are directed to the state General Fund. However, during the settlement process, OHSB may allow employers to reinvest a portion of the penalty into workplace health and safety improvements, provided the investments go beyond corrective actions required to address the cited violations.

Notable cases involving the construction industry include citations issued for failure to properly construct and inspect a scaffold at an Amestoy Dry-Wall site, failure to provide proper guarding, electrical safety, and scaffold safety at a Texas Petroleum Group worksite, and failure to properly secure a trench from collapse, resulting in collapse of the trench and injury to an employee at a United General Construction worksite.

“Through enforcement activities, compliance assistance and consultation, the OHSB works to protect the New Mexico workforce every day,” said **Kristy Peck, Occupational Health and Safety Bureau Chief.** “The bureau is focusing its resources on targeted enforcement actions to prevent accidents before they happen. When an employer catches safety and/or health hazards and abates them quickly, they help prevent tragic and unnecessary accidents from occurring. The OHSB can be that second pair of eyes for the employer and provide help through all aspects of our activities.”

Most importantly, the enforcement cases include corrective action measures requiring employers to address violations and provide safe working environments for all people working in New Mexico. These actions support continued compliance and help protect New Mexico’s workforce.

The OHSB encourages employers to take a proactive approach to workplace safety by requesting free, confidential consultation services through the Bureau’s Occupational Safety and Health Consultation (OSHCON) program. To learn more or request services, visit the NMED OHSB Consultation Program website.

Enforcement Watch updates for October 2026

In October 2026, the Compliance and Enforcement Division added 61 new cases to Active Matters and resolved 20 demonstrating ongoing enforcement and accountability across the state.

The following enforcement cases were initiated in October:

- 32 notices of violation issued by the Water Protection Compliance and Enforcement Bureau

- 26 notices of violation issued by the Resource Protection Compliance and Enforcement Bureau
- 2 notices of violation issued by the Environmental Protection Compliance and Enforcement Bureau
- 1 notice of violation issued by the Occupational Health and Safety Bureau

The following enforcement cases were resolved in October:

- 12 cases in the Resource Protection Compliance and Enforcement Bureau
- 5 cases in the Water Protection Compliance and Enforcement Bureau
- 2 cases in the Occupational Health and Safety Bureau
- 1 case in the Environmental Protection Compliance and Enforcement Bureau

Highlights of alleged violations and resolved enforcement actions in October include:

- The Resource Protection Compliance and Enforcement Bureau issued a Notice of Violation to Discount Tire in Albuquerque for multiple scrap tire manifest violations, including failure to provide required generator information, sign the generator section of manifests, notify NMED of incomplete manifests, and retain scrap tire manifests for the required three years.

- The Environmental Protection Compliance and Enforcement Bureau issued a Notice of Violation to XTO Energy Inc.'s No. 9 Battery facility in Eddy County for exceeding permitted VOC emission limits and failing to submit two required excess emission reports within one business day of discovery.

- The New Mexico Environment Department's Occupational Health and Safety Bureau issued a Citation and Notification of Penalty to AAA Roofing Company for failing to protect an employee from fall hazards at an inspection site in Rio Rancho, N.M. On or about July 15, 2026, an employee was exposed to a fall hazard of more than six feet while throwing roofing debris near the edge of a low-slope roof without a personal fall arrest system.

- The Resource Protection Compliance and Enforcement Bureau issued a Notice of Violation to Krishna Group LLC in Albuquerque for significant Class B violations of Petroleum Storage Tank Regulations, including failures to conduct required line tightness tests, inspect cathodic protection equipment, test automatic line leak detectors, and annually test automatic tank gauging systems used for release detection.

- The Water Protection Compliance and Enforcement Bureau issued a Notice of Violation to the Algodones Water System for failing to provide public notice to its customers and submit the required public notice certification form to the New Mexico Environment Department. The violations stem from failure to correct significant deficiencies identified during the 2026 sanitary survey, as outlined in a Notice of Violation issued on August 10, 2026.

Enforcement Watch provides the public, the business community, environmental nongovernment organizations, and municipal governments with easy access to see which organizations NMED has alleged are in violation of regulations, permits, and/or licenses administered by the Department. It is updated when violations are alleged or resolved. Retrospective enforcement matters are added as staffing resources allow. Organizations remain

on Enforcement Watch until the alleged violations are corrected to the satisfaction of the Department.

The easiest way for an organization to avoid appearing on the Enforcement Watch is to stay off it in the first place by remaining in full compliance with applicable regulations. NMED encourages organizations that are unclear of their regulatory responsibilities to contact a consultant and conduct a third-party compliance audit and disclose potential violations.

NMED provides detailed compliance and enforcement metrics in the Compliance Measures section of the Quarterly Performance Report.

The full Enforcement Watch can be viewed at https://www.env.nm.gov/enforcement-watch.

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