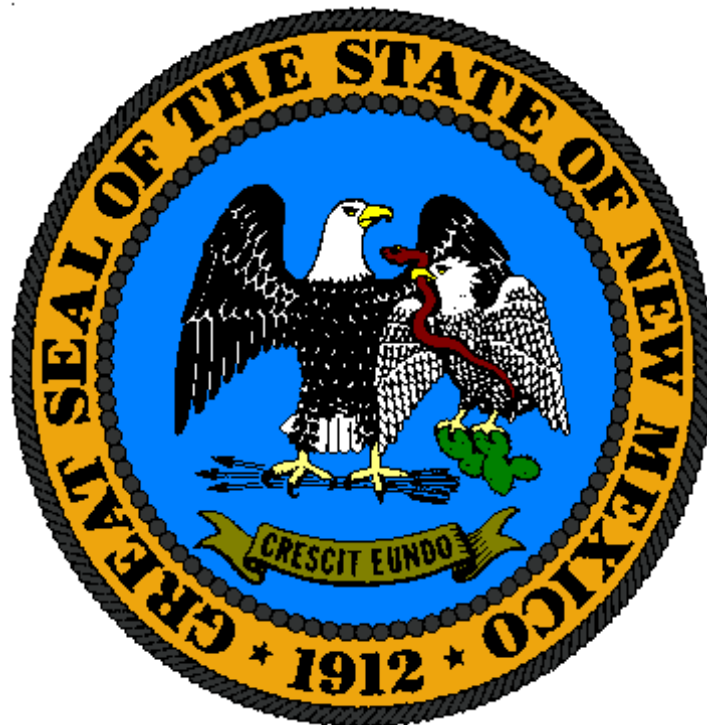


**New Mexico Environment Department
Occupational Health and Safety Bureau**

State OSHA Annual Report



Fiscal Year 2016

October 1, 2015 – September 30, 2016

Susana Martinez, Governor
Butch Tongate, Cabinet Secretary-Designate
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I. Executive Summary

In the fiscal year 2016, the New Mexico Occupational Health and Safety Bureau (“OHSB” or “the Bureau”) continued to focus on its mission to assure every employee safe and healthful working conditions. Through targeted enforcement, cooperative assistance, and outreach efforts, the OHSB used a broad approach to reach industries most in need of reductions in injuries and illnesses. New Mexico continued activities in its State Emphasis Programs (SEPs) and engaged in applicable National Emphasis Programs (NEPs).

New Mexico continued to engage in activities for SEPs within the industries of construction, primary and fabricated metals, oil and gas well drilling and servicing, hospitals and nursing care, and waste management during FY2016. The Bureau continued its SEP for silica exposure in the construction and earth products manufacturing industries. OHSB also participated in several OSHA NEPs including Primary Metals, Hexavalent Chromium and Process Safety Management in Chemical Processing Facilities.

The State strengthened its cooperative programs within both the Zia Star Voluntary Protection Program (VPP) and the OHSB Strategic Partnership for Construction (OSPC) program. The OHSB and the Construction Health and Safety Council of New Mexico continued to improve partnership processes with the construction industry through the OSPC. The council formed in 2011 between OHSB and the major construction associations including the Associated General Contractors (AGC), Associated Building Contractors (ABC), and the National Utilities Contractors Association (NUCA) among others. In 2016, the council organized training events designed to drive down injuries and illnesses within the industry.

The OHSB continued to maintain a core staff of highly trained management and technical personnel through a continuing period of budget challenges. As of FY2016, the Bureau has a fully competent enforcement section strategically positioned in field offices across the state at locations including Albuquerque, Las Cruces, Roswell and Santa Fe.

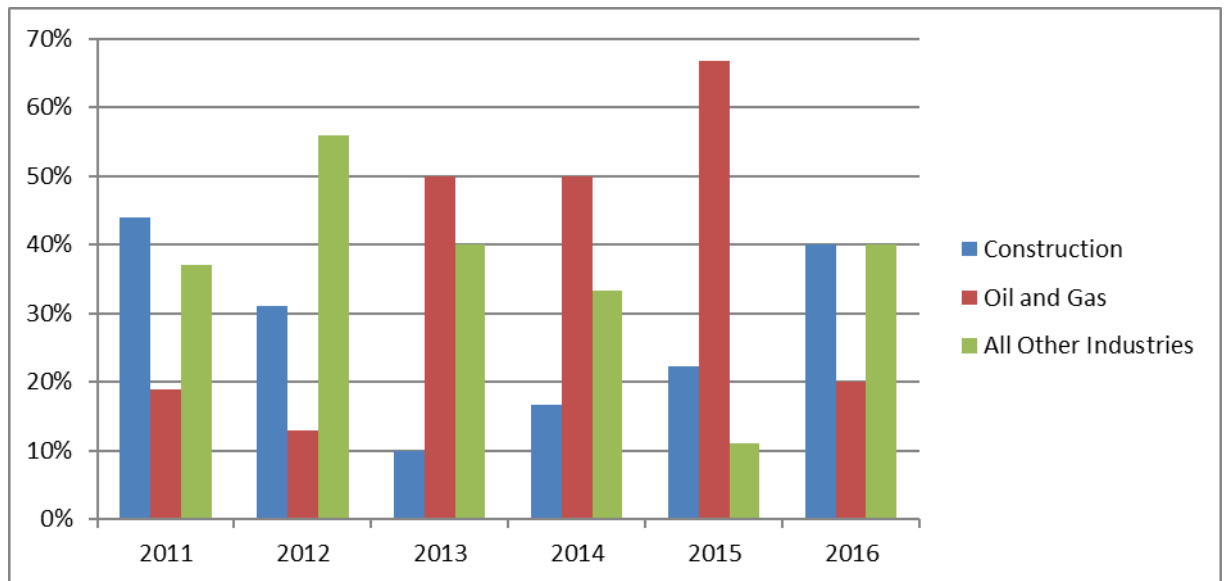
II. Progress toward Strategic Plan Accomplishment

Through strategic planning and regular meetings among management, compliance, and compliance assistance staff, OHSB coordinated efforts to reach industries and employees where the greatest potential for injuries and illness exist. The Bureau’s performance plan for FY2016 focused on two major strategic areas that included activities for affecting reductions in injuries, illnesses and fatalities. The OHSB also focused on plan areas to improve the quality of cooperative programs and to provide educational outreach to employers and employees.

A. Enforcement Activities

The OSHB continued to implement state emphasis programs for fabricated metal products, oil and gas well drilling and servicing operations, construction, exposure to silica, waste management, hospitals and nursing care facilities. The Bureau also engaged in enforcement at PSM-covered facilities, and at facilities with hazards involving primary metals processing and use of hexavalent chromium through the adoption of national emphasis programs.

New Mexico continued to place significant enforcement emphasis in the construction and oil and gas industries. The number of fatal accidents in both these industry sectors continues to represent a large proportion of occupational fatalities in the state as a long-term trend. Fatal accidents in the oil and gas industry continued to represent the highest among all sectors. Following the OHSB internal review of LEP/SEPs during FY2014, the Bureau doubled its goal for enforcement inspections of oil and gas well drilling and servicing operations in New Mexico during FY2015. During FY2015 and continuing into FY2016, the state oil and gas industry experienced a significant decline in activity. OHSB decreased its inspection activities concurrent with reduced industry activity during the same time period, but continues to maintain an enforcement presence based on continuing accidents.



Fatal accidents investigated by OHSB from 2011 through 2016.

In FY2016, the OHSB engaged in significant enforcement action against multiple contractors involved with a scaffolding accident that occurred late in FY2015. During a thorough inspection conducted from August 2015 through January 2016, the Bureau identified serious and willful violations for five contractors. The OHSB issued citations totaling more than \$130,000 in penalties.

B. Cooperative Program Activities

1. Zia Star Voluntary Protection Program (VPP)

OHSB continued to focus efforts on strengthening program quality and reviewing current VPP participants during the year. The Bureau conducted one new and four recertification evaluations with the use of Special Government Employees (SGEs). FY2016 was the first year that SGEs assisted in each of the audits conducted by the Bureau. The SGE Program allows industry employees the opportunity to work alongside OHSB during VPP onsite evaluations. Use of SGEs not only benefits the

Bureau by supplementing on-site VPP evaluation teams, but it gives industry and the OHSB the opportunity to work together and share views and ideas.

2. OHSB Strategic Partnership in Construction (OSPC) Program

New Mexico focused on improving strategic partnership programs through more comprehensive onsite verification activities and by conducting reviews of existing agreements. OHSB amended its internal OSPC directive to ensure consistency and accountability among the partnerships and agreements with each construction association. In FY2015, OHSB modified its annual performance goal for strategic partnerships in construction (Performance Goal 1.4) to focus on injury rate reductions rather than participant numbers as measured in prior years. The Bureau collected calendar year 2015 data for use as a baseline to measure program performance beginning in FY2016; calendar year 2016 data, which will be available in late February 2017, will be compared to 2015 data as a measure of program performance.

The Construction Health and Safety Council of New Mexico continued to operate and hold meetings in FY2016. The council is composed of OHSB representatives and representatives of all OSPC partnership associations. In 2016, the council organized training events designed to drive down injuries and illnesses within the industry.

3. Compliance Assistance and Outreach

In FY2016, OHSB and the New Mexico Worker's Compensation Administration (WCA) worked together in the common interest of improving workplace safety and health statewide. The agencies share common goals in reducing employee injuries, illnesses and fatalities. The NM OHSB presented information to the NM WCA staff about OSHA and NM OHSB. Also included in this presentation was information about State-specific and Federal NM OHSB/OSHA regulations, and injury, illness and fatality statistical data.

The OHSB coordinated with the NM WCA, a local section of the American Society of Safety Engineers, and NM State University to offer two free workshops to small employers in Southern New Mexico. The goal of these workshops was to provide small business owners and their representatives with information about OSHA, NM OHSB and the NM WCA, including available assistance for employers in their efforts to ensure safe and healthful workplaces. Additionally, segments on hazard recognition and control and safety and health management systems were presented to the several attendees at the workshops.

The OHSB renewed Alliance Agreements with the New Mexico Oil and Gas Association, NMOGA, and the Consulate of Mexico in Albuquerque, NM. The NM OHSB also signed a new Alliance Agreement with the Southeast New Mexico Service, Transmission, Exploration, and Production Safety, STEPS, Network. The Alliance Program works with trade, professional, and labor organizations, as well as with educational institutions and government agencies. Alliance Agreements allow

groups who share a common interest in improving workplace safety and health to work with NM OHSB to prevent workplace injuries, illnesses and fatalities.

C. Administrative Activities

The Bureau's Administration Section continues to provide necessary support functions including financial, information systems, and labor statistics management. Financial staff meets regularly with management to ensure budgets are properly projected and funds appropriately expended. OHSB began using the OSHA Information System (OIS) in FY2015 for all enforcement and compliance assistance data. Labor statistics staff continues to excel at injury, illness, and fatality data collection.

III. Progress on Federal Annual Monitoring Evaluation (FAME) Recommendations

Federal OSHA conducts an annual review of OHSB programs through the Federal Annual Monitoring Evaluation (FAME). As part of the FY2015 FAME, OSHA made several recommendations for improvement of the New Mexico state plan. The following summarize OHSB progress toward implementing the federal recommendations during FY2016.

A. Recommendation 15-1

As part of the FY2015 FAME, OSHA recommended, "New Mexico OHSB should ensure that the OHS Act, OHS regulations, and New Mexico FOM Chapter 13 are followed for all whistleblower investigations."

The OHSB is committed to continued improvement of its whistleblower protection program and to working closely with OSHA to ensure state policies are effective and appropriately consistent with federal investigative procedures. During FY2016, the Bureau provided new training, developed and the OSHA Training Institute (OTI), to whistleblower investigations staff. The OHSB has significantly reduced its backlog of cases and timeframes for completing investigations. The significant increase in the number of whistleblower complaints filed in FY2014 and FY2015 compared to prior years continued into FY2016, and the Bureau has improved processes to obtain early resolution of many cases. OHSB continues to improve its program by providing additional training as it becomes available through the OTI and by working with the state's Office of General Counsel to streamline investigations.

B. Recommendation 15-2

As part of yearly reviews, OSHA continues to provide insight and assistance in further strengthening the quality of OHSB citations. As part of the FY2014 FAME, OSHA recommended, "New Mexico OHSB must ensure that employer knowledge is documented for all violations, including documentation of employee discussions relative to violations or complaint items. Evidence of employee exposure to hazards should also be included."

In FY2016 OHSB continued to work with compliance staff to improve documenting employer knowledge when establishing violations. To drive continuous improvement, supervisors reviewed case files to ensure the adequacy of documentation on an on-going basis. Management reviewed violation documentation periodically during internal Compliance Officer (CO) training sessions and employee evaluations. With the

conversion to the OSHA Information System (OIS), OHSB modified its procedure for documenting employer knowledge to capture information on OIS documents. Following a review of files completed using OIS during FY2015, OHSB is developing additional forms to augment identified limitations of the OIS system for documenting violations.

C. Recommendation 15-3

An employer's correction of violations is an important step to assuring a safe workplace. While many employers abate violations during or immediately following an onsite inspection, timely issuance of citations is an important measure of effectiveness. OHSB and OSHA continually monitor the time it takes to issue citations. Over the years, OHSB has experienced challenges, particularly with respect to health citations, resulting in citation lapse times greater than the national average. As part of the FY2015 FAME, OSHA recommended, "NM OHSB should review processes and policies to identify roadblocks and inefficiencies causing high lapse times."

As part of an ongoing effort to reduce citation lapse times, OHSB instituted several internal measures to aid staff in timely closing inspection files. OHSB used OIS reports to identify open cases with prolonged lapse times in order to minimize delays in citation issuance. During FY2016, management closely monitored inspection assignments to ensure caseloads were reasonable. Supervisors reviewed assignment data to compare with inspection reports weekly. OHSB also more closely reviewed referrals, including those received as part of new employer injury reporting requirements, to identify those where an initial investigation by inquiry was appropriate. OHSB performed a monthly analysis of lapse times for individual Compliance Officers and used lapse times as a major element of employee performance evaluations. Performance reviews included an analysis of task prioritization to identify potential improvements, and supervisors worked closely with Compliance Officers on task prioritization.

D. Recommendation 15-4

Both OHSB and OSHA agree that contact with victim's families during fatality investigations is important for providing information to families as well as obtaining potential information for cases. While contact with family members was made for most fatality investigations in FY2015, there were several cases where either an initial letter informing the family of the investigation, or a closing letter informing them of the outcome, was not sent. In addition, telephone contact with family members was not documented in case files. An internal review of this issue revealed that the tracking system for letters and phone calls was not updated during the transition from the Integrated Management Information System (IMIS) to the OSHA Information System (OIS) in October 2014. As part of the FY2015 FAME, OSHA recommended, "New Mexico OHSB should ensure that family members are contacted early on and at appropriate times during fatality investigations, as provided in the New Mexico Field Operations Manual (NM FOM), and that these contacts are documented in the case files."

Immediately following the FAME review OHSB instituted a system, including file tracking sheets, to ensure letters are sent to family members and phone contact is documented during fatality investigations. All process improvements were completed by March 31, 2016, and family members received OHSB correspondence in all cases where their contact information was available during the fiscal year.

IV. Conclusion

The OHSB utilized available resources to deliver enforcement and compliance assistance activities to target industries where workers are most at risk of injury and illness. The Bureau met or exceeded performance plan goals in many areas. The OHSB analyzed need for enforcement and compliance assistance activity in various industries, and adjusted emphasis programs in an effort to affect positive change in injury and illness experience in those industries.

New Mexico continues to experience reductions in Days Away, Restricted, or Transferred (DART) rates. DART rates dropped fifteen percent from 2012 to 2013 (from a rate of 2.0 to 1.7 per 100,000 workers), an additional six percent reduction to 1.6 in 2014, and another reduction to 1.5 in 2015. The New Mexico DART rate of 1.5 in 2014 was twelve percent lower than the nationwide average of 1.7 for the same year. Long-term rate reductions continue to reflect the positive influence of OHSB programs.

Appendix A – Summary of FY2016 Performance Plan Results

The following tables summarize the Annual Performance Plan results for the Compliance and Cooperative Program activities of the New Mexico Occupational Health and Safety Bureau for fiscal year 2016. The referenced goals were established prior to the start of the fiscal year. Goals associated with consultation activities (Goal 1.3) are not described in this report.

5 Year Strategic Goal 1.1: Reduce the total New Mexico injury and illness DART rates by 5% through 2019 by focusing on targeted safety and health hazards.			
FY2016 Performance Goal 1.1: Reduce the total injury and illness DART rate to less than 2.0 for CY2016 by conducting 400 enforcement inspections and 250 consultation visits.			
Performance Indicator Type	Indicator	Results	Comments
Activity Measures	Number of enforcement inspections	OHSB conducted 432 enforcement inspections in FY2016	
Intermediate Outcome Measures	Abatement of serious, willful and repeated violations	OHSB verified abatement of 368 serious, willful and repeated violations	
Primary Outcome Measures	Injury and illness DART rate of less than 2.0 for 2016	The New Mexico DART rate was 1.5 for 2015	BLS rates for 2016 are not currently available

5 Year Strategic Goal 1.2: Reduce the 5-year average of OHSB investigated workplace fatalities by 5% through scheduled inspections and visits at workplaces in targeted industries.			
FY2016 Performance Goal 1.2: Experience fewer than 11 workplace fatalities requiring OHSB investigations in FY2016.			
Performance Indicator Type	Indicator	Results	Comments
Activity Measures	Number of enforcement inspections in Oil & Gas	OHSB conducted 16 oil & gas industry inspections in FY2016	
	Number of enforcement inspections in Construction	OHSB conducted 247 construction industry inspections in FY2016	
Intermediate Outcome Measures	Number of fatalities investigated in Oil & Gas	OHSB investigated 2 oil & gas industry fatalities in FY2016	
	Number of fatalities investigated in Construction	OHSB investigated 4 construction industry fatalities in FY2016	
Primary Outcome Measures	Record fewer than 11 NM OSHA investigated fatalities in FY2016	OHSB investigated 10 fatal accidents in FY2016.	

5 Year Strategic Goal 1.3: Increase the number of new participants in SHARP by 5.

FY2016 Performance Goal 1.3*: Increase the number of new participants in SHARP by 1 employer.
*Goal 1.3 applies to 21(d) Consultation. The FY2016 CAPR reviews this goal.

5 Year Strategic Goal 1.4: Improve the quality of participant health and safety programs by reducing top-level member DART rates by 10% through 2019.

FY2016 Performance Goal 1.4: Reduce DART rates for top-level members by 2%.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	Verification activities for ABC Verification activities for ACNM Verification activities for AGC Verification activities for ASA Verification activities for MCA Verification activities for NUCA	10 ABC activities 11 ACNM activities 10 AGC activities 0 ASA activities 1 MCA activities 2 NUCA activities	OHSB completed a total of 34 verification activities in FY2016.
Intermediate Outcome Measures	DART cases for ABC members DART cases for ACNM members DART cases AGC members DART cases ASA members DART cases MCA members DART cases NUCA members	Not available	2016 data will be available in late February 2017.
Primary Outcome Measures	DART rate for ABC members DART rate for ACNM members DART rate for AGC members DART rate for ASA members DART rate for MCA members DART rate for NUCA members	Not available	Data is currently unavailable for this measure. 2016 data will be available in late February 2017.

5 Year Strategic Goal 1.5: Increase the number of VPP participants by 5.

FY2016 Performance Goal 1.5: Increase the number of VPP participants from 12 to 14.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	Number of candidates for VPP	OHSB received no applications from new VPP candidates	
Intermediate Outcome Measures	Number of new VPP members	0 new employers were approved for VPP in FY2016	

Primary Outcome Measures	Have 14 VPP participants	New Mexico had 12 VPP participant worksites at the end of FY2016.	
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5 Year Strategic Goal 2.1: Initiate inspections for reported fatalities within 1 working day 100% of the time.			
FY2016 Performance Goal 2.1: Initiate inspections for reported fatalities within 1 working day 100% of the time.			
Performance Indicator Type	Indicator	Results	Comments
Activity Measures	Number of fatality reports in fiscal year.	There were 21 fatal accidents reported in FY2016.	
Intermediate Outcome Measures	Number of fatality reports under OHSB jurisdiction in fiscal year. Number of fatality reports under OHSB jurisdiction responded to within 1 workday	There were 10 fatal accidents under OHSB jurisdiction in FY2016. OHSB responded to all 10 fatal accidents within 1 working day.	
Primary Outcome Measures	Percent of responses to fatality reports under OHSB jurisdiction initiated within 1 working day	OHSB initiated 100% of fatality investigations within 1 working day.	

5 Year Strategic Goal 2.2: Conduct investigations for referrals alleging serious hazards within 10 working days 95% of the time.			
FY2016 Performance Goal 2.2: Conduct investigations for referrals alleging serious hazards within 10 working days 95% of the time.			
Performance Indicator Type	Indicator	Results	Comments
Activity Measures	Number of referrals alleging serious hazards responded to during the year. Number of investigations for these referrals responded to within 10 days.	OHSB responded to 526 serious referrals in FY2016. OHSB responded to 514 serious referrals within 10 days.	An investigation may include an onsite inspection or inquiry by phone, fax or letter.

Intermediate Outcome Measures	Average number of working days to conduct inspections for referrals alleging serious hazards.	NA	This measure is not applicable to the performance goal. OHSB will modify this measure.
Primary Outcome Measures	Percent of investigations conducted within 10 working days.	OHSB investigated 98% of serious referral within 10 workdays.	

5 Year Strategic Goal 2.3: Complete discrimination investigations within 60 days 95% of the time.

FY2016 Performance Goal 2.3: Complete discrimination investigations within 60 days 95% of the time.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	Number of discrimination cases opened.	OHSB opened 13 discrimination cases in FY2016.	
Intermediate Outcome Measures	Number of discrimination cases completed within 60 days.	OHSB completed 7 FY2016 discrimination case within 60 days.	OHSB completed 7 of 13 total cases within 90 days.
Primary Outcome Measures	Percent of discrimination cases completed within 60 days.	OHSB completed 54% of FY2016 cases within 60 days.	OHSB completed 54% of total cases within 90 days.