

2018 OSHSPA REPORT

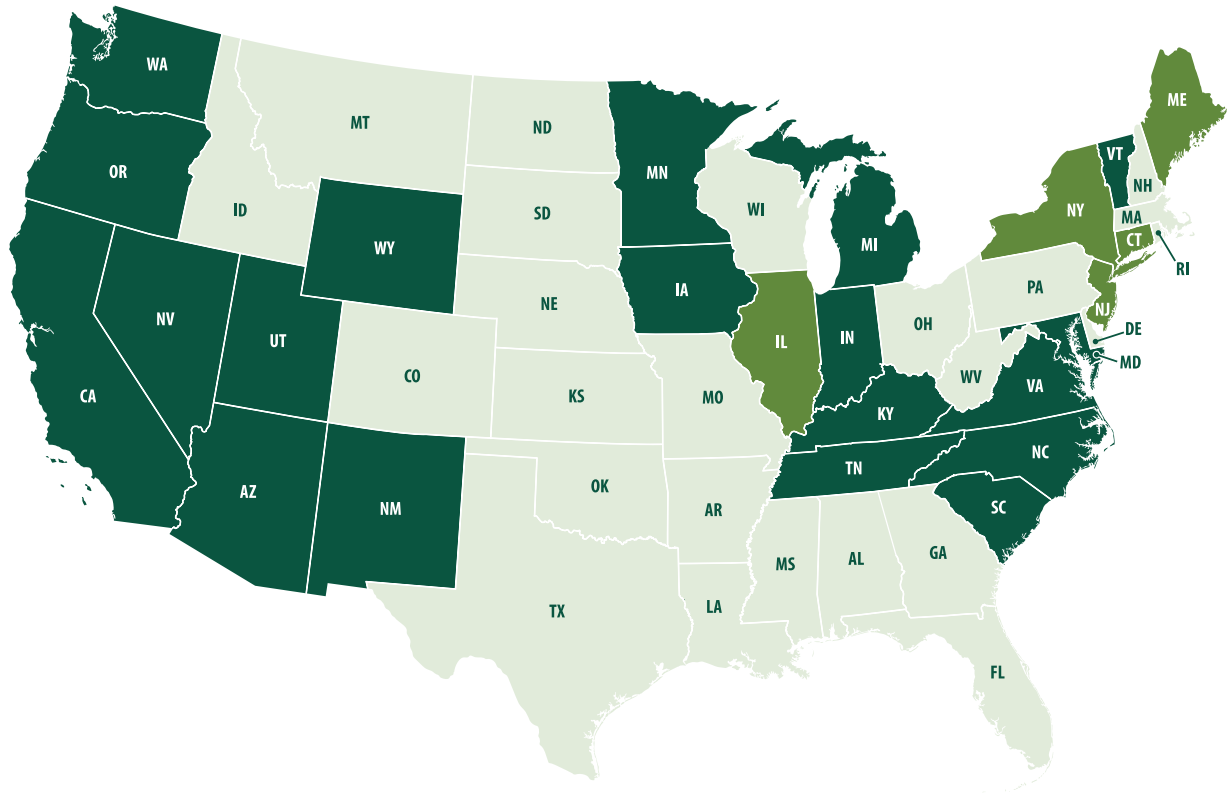


Grassroots Worker Protection

State plan activities of the
Occupational Safety and Health
State Plan Association



OSHSPA COVERAGE



State Plan Programs Covering Private and Public Sectors

- | | | |
|------------|----------------|------------|
| Alaska | Michigan | Tennessee |
| Arizona | Minnesota | Utah |
| California | Nevada | Vermont |
| Hawaii | New Mexico | Virginia |
| Indiana | North Carolina | Washington |
| Iowa | Oregon | Wyoming |
| Kentucky | Puerto Rico | |
| Maryland | South Carolina | |

States Covered by Federal OSHA Private Sector Only

- | | |
|-------------------|---------------|
| Alabama | Montana |
| Arkansas | Nebraska |
| Colorado | New Hampshire |
| Delaware | North Dakota |
| Dist. of Columbia | Ohio |
| Florida | Oklahoma |
| Georgia | Pennsylvania |
| Idaho | Rhode Island |
| Kansas | South Dakota |
| Louisiana | Texas |
| Massachusetts | West Virginia |
| Mississippi | Wisconsin |
| Missouri | |

State Plan Programs Covering Public Sector Only

(Federal OSHA covers private sector)

- | | | |
|-------------|------------|----------------|
| Connecticut | Maine | New York |
| Illinois | New Jersey | Virgin Islands |

OSHSPA STATES AT A GLANCE

States and territories with approved safety and health plans

	1	2	3	4	5		
	Initial Approval	Certified	18(e) Final Approval	Operational Status Agreement	21(d) Consultation Agreement	Different Standards	On-site Maritime Coverage
Alaska	07/31/73	09/09/77	09/28/84		yes		
Arizona	10/29/74	09/18/81	06/20/85		yes		
California	04/24/73	08/12/77		yes	yes	yes	yes
Connecticut	10/02/73	08/19/86			yes		
Hawaii	12/28/73	04/26/78		yes	yes	yes	
Illinois	09/01/09				yes		
Indiana	02/25/74	09/24/81	09/26/86		yes		
Iowa	07/20/73	09/17/76	07/02/85		yes		
Kentucky	07/23/73	02/08/80	06/13/85				
Maine	07/05/15				yes		
Maryland	06/28/73	02/15/80	07/18/85		yes		
Michigan	09/24/73	01/16/81		yes	yes	yes	
Minnesota	05/29/73	09/28/76	07/30/85		yes	yes	
Nevada	12/04/73	08/13/81	04/18/00		yes		
New Jersey	01/11/01	01/22/16			yes	yes	
New Mexico	12/04/75	12/04/84		yes	yes		
New York	06/01/84	08/18/06			yes		
North Carolina	01/26/73	09/29/76	12/10/96		yes		
Oregon	12/22/72	09/15/82	05/12/05		yes	yes	
Puerto Rico	08/15/77	09/07/82		yes	yes		
South Carolina	11/30/72	07/28/76	12/15/87		yes		
Tennessee	06/28/73	05/03/78	07/22/85		yes		
Utah	01/04/73	11/11/76	07/16/85		yes		
Vermont	10/01/73	03/04/77		yes	yes		
Virgin Islands	08/31/73	09/22/81	04/17/84		yes		
Virginia	09/23/76	08/15/84	11/30/88		yes		
Washington	01/19/73	01/26/82		yes		yes	yes
Wyoming	04/25/74	12/18/80	06/27/85		yes		

1 Certified: Date developmental steps completed

2 18(e) Final approval: Date concurrent federal jurisdiction relinquished

3 Operational status agreement: Concurrent federal OSHA jurisdiction suspended

4 21(d) consultation agreement

5 Different standards: Standards not identical to federal standards

OSHSPA NUMBERS AT A GLANCE

Federal OSHA Budget	FY 2018
Federal OSHA Budget*	\$421,156,400
State Plans 23(g) - federal 50% share	\$100,850,000
State Plans 21(d) - federal 90% share (26 states)	\$30,780,600
Total Federal OSHA appropriation	\$552,787,000

**This federal OSHA budget number includes the remainder of the consultation grants and Harwood grants.*

Funding by State Plans	FY 2018
State Plans 23(g) 50% match **	\$100,564,000
State Plans additional 100% funding	\$128,374,795
State Plans 21(d) contribution - 10% funding	\$3,336,437
Total	\$232,365,232

***Effective July 1, 2003, the required match for Virgin Islands is waived up to \$200,000.*

Employers under State Plan Jurisdiction	FY 2018
Private	4,289,742
Public	163,073
Total	4,452,815

Source: BLS 2018 Quarterly Census of Employment and Wages (QCEW).

Employees covered by State Plans	FY 2018
Private	52,309,053
Public	12,493,135
Total	64,802,188

Source: BLS 2018 Quarterly Census of Employment and Wages (QCEW).

Allocated State Plan Positions	FY 2018
Total Compliance Inspectors	1259.27
> Safety 23(g)	860.5
> Health 23(g)	398.77
Total Consultants	227.85
> Safety 21(d) - State Plan only	96.95
> Safety 23(g)	36.54
> Health 21(d) - State Plan only	68.65
> Health 23(g)	25.71

State Plan Inspection Data	FY 2018
Safety	31,703
Health	9,363
Total	41,066

OSHSPA NUMBERS AT A GLANCE

Inspections by Type	FY 2018
Programmed/Scheduled	17,801
Complaint	9,326
Referral	5,214
Fatality/Catastrophe	886
Follow-up	1,505
Other (<i>total inspections minus total inspections in categories above</i>)	6,334
Total	41,066

Inspection Data	FY 2018
Total inspections with violations	24,312

Violations per inspection with violations cited:	FY 2018
Total number of S/W/R violations	45,960
Average S/W/R violations/inspection	1.73
Total number of OTS violations	38,274
Average OTS/inspection	1.44
Percent with inspections with no violations	31.4%

Penalties	FY 2018
Total current penalties	\$115,090,871
Average current penalty per serious violation	\$2,327
Total number of contested cases	16,952
Percent inspections with citations contested (<i>contested cases/total number of inspections with violations</i>)	17.3%
Percent with inspections with no violations	31.4%

Consultation Onsite Visits (State Plans only)	FY 2018
Consultation 21(d) initial	9,383
Consultation 23 (g) initial	2,835
Consultation 21(d) training	398
Consultation 23 (g) training	0
Consultation 21(d) follow-up	488
Consultation 23(g) follow-up	52
Total	13,156

Source: OSHA Office of Small Business Assistance

Consultation Onsite Data	FY 2018
Total serious hazards identified	50,162
Average number of serious hazards identified per visit	4.1

Source: OSHA Office of Small Business Assistance

Signature Project

The University of New Mexico Center for Occupational and Environmental Health Promotion (COEHP) physician rotation with the New Mexico Occupational Health and Safety Bureau (NM OSHA) offers physicians the opportunity to spend time with NM OSHA and receive information about OSHA, the state plan, and safety and health regulations. Additionally, physicians participate in site visits, as well as health and safety-related projects with NM OSHA.

Physicians who understand the purpose of OSHA regulations gain advantage in providing the clinical care necessary for medical surveillance examinations required by standards and for managing environmental and occupational exposures.



Physicians participating in site visit.

Emphasis Programs

In 2018, New Mexico had the following state emphasis programs (SEPs) to provide focus for directing compliance and cooperative efforts. These initiatives are designed to reduce injuries, illnesses, fatalities, and catastrophic events related to specific industries or workplace hazards.

Primary & Fabricated Metals

As identified in the state strategic plan, workers in these industries are exposed to health and safety hazards, including chemical exposures, exceeding noise levels and most notable amputations while operating machinery, welding, coating, and working in confined spaces.

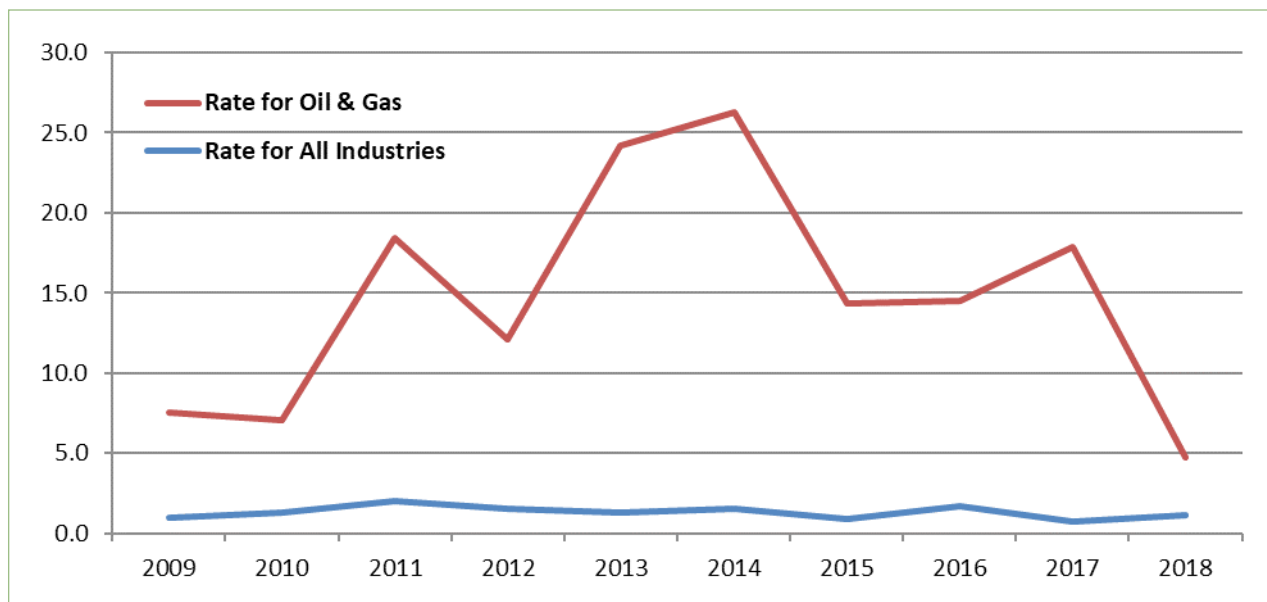
Construction

Construction work has experienced sustained employment increases in New Mexico, including a 9.6 percent growth rate over the past year. Serious hazards, including falls and struck by objects, continue to result in serious injuries and fatal accidents. Through enforcement efforts and intervention activities to increase awareness, the state plan has affected reductions in injury and fatality rates in the industry.

Oil and Gas

Well Drilling and Servicing industries historically account for a far greater percent of workplace fatalities and serious accidents in New Mexico than in other industries. Since the last oil bust in 2015-2016, industry employment has risen at rates greater than 20 percent each of the past two years. Although the recent increase in production has been accompanied by reduced fatality rates, NM OSHA maintains a significant presence in the oil and gas producing areas of the state.

NM oil and gas fatality rate compared to all industries, 2009-2018



Silica

NM OSHA has numerous operations and activities within state jurisdiction that expose employees to silica. Many employees are unaware of the health hazards associated with exposure during operations such as mixing aggregates, manufacturing concrete block, plastering, stone cutting, and other operations that disturb or release silica.

Hospitals and Nursing Care

NM OSHA initiated this SEP to address high injury and illness rates among nursing care professionals. This industry is projected to have the greatest growth from 2016 to 2026 in New Mexico, with an expected increase of 19.5 percent.

Adopted Federal Emphasis Programs

NM OSHA continues to engage in enforcement and cooperative programs in the following OSHA National Emphasis Programs:

- PSM Covered Chemical Facilities
- Primary Metals
- Hexavalent Chromium
- Trenching and Excavations

Enforcement

Recycling Accident

In April 2018, NM OSHA was notified of an accident resulting in an employee death at an Albuquerque recycling facility. The company had recently added staff and shifts to improve sorting following international market challenges that resulted in the piling up of recyclables.

On the night of the accident three, maintenance technicians were working during the 9:30 p.m. - 5:30 a.m. shift. One of the conveyor belt guards had been removed and the maintenance employee was attempting to adjust the belt tracking by himself. While performing the process, the employee's arm was pulled into the conveyor belt and idler pulley roller, causing asphyxiation. Unnecessary removal of guarding and lack of training increased the risk while performing the maintenance operation. The company was issued a citation and penalties in the amount of \$11,520.



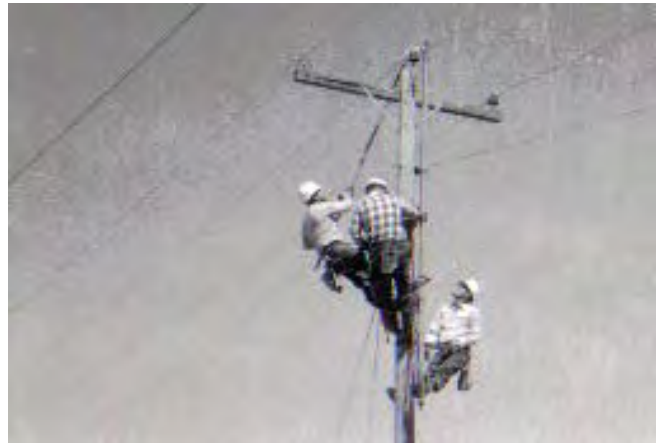
Materials at recycling plant accumulate in early 2018.



Conveyor system at recycling plant.

Public Sector Joint Enforcement-Discrimination Case

NM OSHA enforcement and discrimination staff worked together on a case involving a rural electric cooperative following an accident and subsequent whistleblower complaint. The co-op, which provides electricity to residents and towns in a five-county area in northern New Mexico, has five district offices with separate managers, foremen, and lineman crews performing distribution line construction and maintenance. The districts must coordinate energy control and de-energization activities of their respective crews on projects, particularly where high-voltage transmission lines cross over distribution lines.



Historical photo from electric co-op.

The NM OSHA investigation found that a dispatcher had gone to lunch while the crew was working on a distribution line, and proper notifications of the work were not made. The crew came within the minimum approach distance of a transmission line above, causing it to trip. The transmission line operator, located in Denver, contacted the co-op dispatcher regarding the fault and didn't get a response, so he called another district office and was told they had no knowledge of anyone working near the line. The Denver operator re-energized the transmission line while two crewmen were working on the distribution line. The linemen crew had not engaged proper isolation procedures, and when the transmission line was re-energized, it grounded through the distribution line. The workers received non-fatal shocks and were sent to the hospital. The investigation resulted in settlement of the whistleblower case and brought management, engineers, and labor together to evaluate policies, improve procedures, and train workers. This case highlights the importance of fully evaluating complex energy control procedures.

Outreach

Process Safety Management

NM OSHA coordinated with industry professionals to offer a free two-day outreach session for safety personnel at facilities in New Mexico with processes that are subject to the OSHA Process Safety Management (PSM) standard.

Silica Symposium

NM OSHA hosted a free silica symposium featuring health professionals, educators, manufacturers' representatives, health and safety consultants, compliance assistance specialists, and regulators.

Partnerships

NM OSHA continues to participate in the New Mexico chapter of the American Society of Safety Professionals (NM ASSP) annual Professional Development Conferences (PDC) by assisting in the planning of the conferences and providing technical presentations at the PDCs for an audience of ASSP members and safety and health professionals.

The New Mexico Construction Safety Coalition (CSC), which includes all the strategic partnerships and two additional construction associations, meets quarterly to share current information and discuss important safety topics. This is in addition to the regular monthly partnership meetings.

Over the past year, NM OSHA has expanded information sharing within and between its partnerships and alliances. Special emphasis has been given to the sharing of near misses and lessons learned.

Awards

The first NM OSHA awards for achieving outstanding safety excellence were presented to the Associated General Contractors New Mexico Building Branch Construction Health and Safety Excellence Partnership and the Associated Contractors of New Mexico Heavy Highway Construction Safety Partnership.

Alliances

NM OSHA was instrumental in establishing the Southeast New Mexico Service, Transmission, Exploration, and Production Safety (SENM STEPS) Network in 2011 by working with companies to develop an oil and gas industry safety and health network in the New Mexico Permian Basin. NM OSHA coordinated quarterly meetings to engage the industry in working together towards the common goal of reducing injuries, illnesses, and fatalities in the oil and gas industry. In 2013, the state plan facilitated the development of a board for the network and continues to serve in an advisory capacity on that board. Through established alliance agreements, NM OSHA coordinates with the SENM STEPS Network and the New Mexico Oil and Gas Association to hold an annual meeting event in July. The 2018 event included participation from other state agencies, including the New Mexico Environment Department and Department of Transportation.



2018 SENM STEPS Safety Summit.