

Appendix A
FY 2010 New Mexico (OHSB) Enhanced FAME Follow-up Report
Summary of New and Continuing Findings and Recommendations

Rec #	Findings	Recommendations	Related FY 09 Rec #
10-1	<p>In the 12 fatality case files reviewed, we did not find documentation regarding contact with victims' family members. We understand that contact did take place in several cases, but this was not documented in the files.</p> <p>This issue was identified by OHSB in their FY 2009 State Internal Evaluation Program (SIEP) review, and a recommendation was made to ensure that the procedures in New Mexico Field Operations Manual, Chapter 11, Section II.G are followed.</p>	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 FOM, and that these contacts are documented in the case files.	09-2
10-2	Case files reviewed were not always fully and accurately documented.	<p>New Mexico OHSB should ensure that:</p> <ol style="list-style-type: none"> 1. Each case files contains a diary sheet that documents all actions taken, when they were taken, and by whom. 2. Documentation of employee discussions relative to violations or complaint items is included in all case files. 3. Employee exposure to hazards is documented. 4. Employer knowledge is documented. 5. The four elements for a general duty clause violation are documented on the OSHA-1B form: identify the hazard to which employees are exposed; state how the hazard is recognized (including industry recognition); state how the hazard would cause death or serious physical harm; and identify the feasible abatement methods. 6. OSHA-300 log data is documented and entered into the IMIS for all appropriate case files. 	09-3
10-3	Union representation was not documented in one case file, and documentation of union participation in the inspection and subsequent actions was not always included in several case files.	New Mexico OHSB should ensure that union representation is identified in the case file and documented on the OSHA-1 form, and that union representatives are appropriately involved during inspections and any subsequent review actions.	09-4
10-4	Average health citation lapse time in New Mexico is significantly higher than the National average. This has been a focus of State efforts for several years, and was identified in the 2008 State Internal Evaluation Program	New Mexico OHSB should continue efforts to further reduce health citation lapse time.	09-5

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	(SIEP) review. Steps were taken at that time and are continuing, in an effort to reduce the lapse time. We have seen reductions in both safety and health citation lapse times as a result.		
10-5	In a very small number of instances (4 of 225), violations were not properly classified in accordance with the severity of the potential injuries/illnesses that could result. These included asphyxia, systemic poisoning, and electrical shock being noted as minimal severity.	New Mexico OHSB should ensure that Compliance Officers appropriately record the severity of all injuries and illnesses identified as violations.	09-6
10-6	In a very small number of case files (6 of 84), our review identified hazards that were not addressed.	New Mexico OHSB should ensure that potential hazards are assessed through appropriate sampling, and that all hazards are addressed through either a citation or, if no standard exists and the elements of a general duty clause violation are not present, a hazard alert or 5(a)(1)/general duty clause letter is sent to the employer.	09-7
10-7	Nine of 57 (16%) of the case files we reviewed had at least one violation with abatement dates we considered longer than necessary. For example, guardrails on scaffolds should be assigned abatement dates of a few days, rather than several weeks; separation of oxygen and fuel gas cylinders was given a 2 week abatement period; and a 17 day abatement period was given for controlling carbon monoxide exposure.	New Mexico OHSB should ensure that, in accordance with NMFOM Chapter 5, Section II.C.2.k, "The abatement period shall be the shortest interval within which the employer can reasonably be expected to correct the violation."	09-9
10-8	The reasons why a violation was changed as the result of an informal conference were not always documented in the case files.	New Mexico OHSB should ensure that the reasons why violations and/or penalties are changed at the Informal Conference are documented in the case file, in accordance with Chapter 8, Section I.A.5 of the New Mexico Field Operations Manual	09-10
10-9	There are apparent inconsistencies in language and interpretation within the State's private interviewing regulations.	New Mexico OHSB should continue efforts to clarify the apparent inconsistencies within the private interviewing regulations (11.5.1.21.E NMAC).	09-12