

# \$144,000 Fine For Water Authority Allegedly Exposing Workers To Ozone

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State regulators are hitting New Mexico's largest water provider with \$144,000 in fines, alleging that the utility put employees in harm's way, [according to NM Political Report](#).

After a six-month probe, the New Mexico [Occupational Health & Safety Bureau](#) wrote up the Albuquerque Bernalillo County Water Utility for 44 violations, including worker safety problems.

"More than a third of the dollar figure for the fines comes from exposing employees to hazardous levels of ozone, a toxic gas that at high levels can cause serious respiratory problems and trigger asthma attacks," [according to NM Political Report](#).

"The dispute stems from an incident where an employee discovered a 'minor leak' in a pipe in the area of the plant that works with ozone. Water Authority employees appealed to OSHA after being ignored through the internal grievance process, according to an employee with knowledge of the situation who didn't want to be named in fear of retaliation," the report said.

The bureau classified the violation as “willful” and “serious,” which means the following, according to the *Political Report*:

*By federal definition, the willful part of the violation means the Water Authority “knowingly failed to comply” with the law or “acted in plain indifference to employee safety.” The serious part of the violation means management put the workplace in a situation that “could cause an accident or illness that would most likely result in death or serious physical harm.”*

The bureau argued that the water authority “was aware that there were no [National Institute for Occupational Safety and Health-certified] respirators for ozone [and instead allowed its employees to use air-purifying respirators],” according to the *Political Report*.

The water authority is contesting the charge, per the story:

*Water Authority spokesman Davis Morris contended that the ozone exposure levels were actually too low to do any harm. “OSHA said, ‘No, this respirator isn’t rated for working with ozone,’” Morris told New Mexico Political Report. “What we’re saying is you don’t need a respirator at all.”*

He later added, “If in the judgement of the [regulators it’s determined that] the use of a cartridge respirator was a mistake in this particular circumstance, it is still not a willful violation as inadvertent, accidental or ordinarily negligent violations are distinguishable from willful [ones].”

Critics say the problems at Albuquerque Bernalillo County Water Authority are systemic.

According to the [political commentary blog Cocompost](#): “The legislature created the [authority] in 2003, and present membership is a musical chair arrangement of city councilors, county commissioners and the mayor. Busy elected officials with competing responsibilities and assertive staff mean oversight is lax. Most residents and legislators are unaware of problems. Most information is characterized by the congratulatory back-patting about lower water consumption.”

At high levels, ozone exposure poses a severe threat. The Centers for Disease Control (CDC) [details](#) the risk:

*Ozone is extremely irritating to the upper and lower respiratory tract. The characteristic odor is readily detectable at low concentrations. Ozone produces local irritation of the eyes and mucous membranes and may cause pulmonary edema at high exposure. Systemically, ozone has been reported to damage chromosomal structures. A partial tolerance appears to develop with repeated exposures. Although most effects are acute, the possibility of chronic lung impairment should be considered, based upon animal experimentation.*

For more water employee safety stories, visit Water Online’s [Labor Solutions Center](#).