This is an emergency amendment to 11.5.1 NMAC, Section 16 effective 08/05/2020

Explanatory note: The New Mexico Environment Department (NMED) will issue a temporary emergency amendment which will be effective for 120 days. The temporary emergency amendment is in response to the current state of public health emergency regarding COVID-19. The rule is being amended to avoid causing an imminent peril to the public health, safety or welfare. This temporary emergency rulemaking does not permanently amend or repeal the existing rule. The emergency amendment will only remain in effect for 120 days following the effective date unless a permanent rule takes effect under the normal rule making process.

11.5.1.16 RECORDKEEPING AND REPORTING OCCUPATIONAL INJURIES, ILLNESSES AND FATALITIES:

A. General: Except as otherwise provided in Subsection B of this section, the provisions of 29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illnesses (internet: www.osha.gov), are hereby incorporated into this section.

B. Exception: Work-related injuries, illnesses and fatalities which are required to be reported by 29 CFR Part 1904.39 shall be reported, by email, telephone or facsimile machine, to the bureau in lieu of the location specified in 29 CFR Part 1904.39. The bureau's address, email, and telephone/facsimile numbers are: occupational health and safety bureau, New Mexico environment department, P.O. Box 5469, Santa Fe, NM 87502, email: nmenv-osha@state.nm.us, Tel: (505) 476-8700, Fax: (505) 476-8734.

C. Reporting COVID-19 cases: Within four (4) hours of learning that an employee tested positive for coronavirus disease 2019 (COVID-19), each employer shall report the positive test to the bureau at the email, telephone or facsimile number specified in Subsection B of this section.

[10/9/1975, 9/3/1978, 3/21/1979, 5/10/1981, 11/17/1983, 7/19/1994, 1/1/1996, 8/15/1998; 11.5.1.16 NMAC - Rn & A, 11 NMAC 5.1.16, 10/30/2008; A, 7/16/2015; A/E, X/XX/2020]