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This is an emergency amendment to 11.5.1 NMAC, Section 16 effective 12/03/2020

Explanatory note: James C. Kenney, Secretary of the New Mexico Environment Department (NMED), has issued an emergency amendment to 11.5.1.16 NMAC. This temporary emergency amendment will take immediate effect and is in response to the current state of public health emergency regarding COVID-19. The emergency amendment is necessary to protect employees from the grave danger of COVID-19. This emergency amendment does not permanently amend or repeal the existing rule. The emergency amendment shall be effective for 120 days or until superseded by a final regulation promulgated under the normal rule making process.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, 8/5/2020; A/E 12/3/2020]

[11.5.1.16 NMAC - N, 12/03/2020] [The department has provided the Rapid Response Submission portal that may be used to satisfy the reporting requirements of Subsection (C). The Rapid Response Submission portal is available on the bureau's website at https://nmgov.force.com/rapidresponse/s/.]