

New Mexico Field Operations Manual

Chapter 6

Appendix A. Annual Adjustment of Minimum and Maximum Penalties

[Senate Bill 229](#) ("SB 229"), signed into law on April 6, 2017, amended the Occupational Health and Safety Act to adjust maximum and minimum penalties in conformance with Federal law. *See* NMSA 1978, § 50-9-24(J). The legislation conformed to the requirements of the Federal Occupational Safety and Health Act, the FCPAA, and Federal OSHA rules for approval of State occupational health and safety plans.

SB 229 also amended the Occupational Health and Safety Act, NMSA 1978, Section 50-9-24(J), requiring the Cabinet Secretary of the Environment Department to adjust penalty levels on an annual basis.

Pursuant to NMSA 1978, Section 50-9-24(J) for annual penalty adjustments, the maximum and minimum penalty amounts listed herein are amended as provided in Table 6-A below.

Table 6-A: Maximum and Minimum Civil Penalties

Subsection of NMSA 1978	Type of Violation	Remove Penalty Levels Effective April 1, 2020		Add Penalty Levels Effective April 1, 2021	
50-9-24.A	Repeat	Maximum	\$134,904	Maximum	\$136,793
	Willful	Maximum	\$134,904	Maximum	\$136,793
	Willful	Minimum	\$9,673	Minimum	\$9,772
50-9-24.B	Serious		\$13,490		\$13,679
50-9-24.C	Other		\$13,490		\$13,679
50-9-24.D	Failure to Abate		\$13,490		\$13,679
50-9-24.G	Posting		\$13,490		\$13,679

This Appendix supersedes all prior appendices of Chapter 6 of the New Mexico Field Operations Manual.

By and Under the Authority of

James C. Kenney, Cabinet Secretary
New Mexico Environment Department