

RECIPROCITY AGREEMENT
BETWEEN THE
OCCUPATIONAL HEALTH AND SAFETY BUREAU,
NEW MEXICO ENVIRONMENT DEPARTMENT
AND THE
DALLAS REGIONAL OFFICE
OF THE
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION,
U.S. DEPARTMENT OF LABOR

I. Purpose

The purpose of this agreement is to establish a reciprocal recognition program for establishments participating in the Associated Building Contractors (ABC) *Construction Leaders Agreement for Safety Partnership* (CLAS) program and the Associated General Contractors (AGC) *Construction Health and Safety Excellence* (CHASE) partnership program within the State of New Mexico.

II. Background

The State of New Mexico Occupational Health and Safety Bureau (OHSB) has entered into partnership agreements with both the ABC and AGC, based upon the national criteria for partnerships between Federal OSHA and these organizations. The only minor exception is that, under the AGC agreement, companies must be at or below the State BLS injury and illness rates, rather than the nationwide rates. New Mexico's injury and illness rates in construction are historically and consistently lower than the nationwide rates.

Many construction companies working in New Mexico, have both sites under the jurisdiction of OHSB, and sites under the jurisdiction of Federal OSHA; i.e., military bases, tribal lands, or areas of exclusive Federal jurisdiction.

We developed this reciprocal agreement in order to provide companies with consistent implementation of the ABC and AGC partnership agreements throughout the State.

III. Program Elements

A. The New Mexico Occupational Health and Safety Bureau (OHSB) agrees to provide OSHA, Region VI, with the names of companies that have achieved recognition under either the ABC or AGC partnership agreements in the State of New Mexico.

- B. Federal OSHA agrees to honor the incentive provisions outlined in the ABC and AGC partnerships for companies that have achieved recognition status in New Mexico, on sites under Federal jurisdiction within the State of New Mexico.

IV. Coordination

The list of sites in New Mexico that have achieved recognition under either partnership, will be maintained on the New Mexico OHSB web site, and updated monthly, as information is received. When any inspection at a construction site under Federal jurisdiction within the State of New Mexico is scheduled, the Area Office will check the OHSB web site for contractors who have achieved recognition status.

V. Authority

The New Mexico Occupational Health and Safety Bureau, New Mexico Environment Department, enters into this agreement under the authority of the New Mexico Occupational Health and Safety Act of 1978 (NMSA 1978), Section 50-9-6. This section provides that "The department is the state occupational health and safety agency for all purposes under federal legislation relating to occupational health and safety and may take all action necessary to secure to this state the benefits of that legislation."

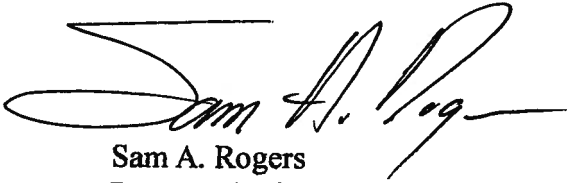
The Occupational Safety and Health Administration enters into this agreement under authority of the Occupational Safety and Health Act of 1970 (29 USC 652, et seq.), Sections 2.b. and 2.b.11. This section states that "The Congress declares it to be its purpose and policy.....to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources...by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States...to conduct experimental and demonstration projects in connection therewith."

VI. Period of Agreement


This Reciprocity Agreement shall continue in effect unless modified by mutual assent of the parties or terminated by either party upon a 30-day advance written notice to the other. The Reciprocity Agreement does not preclude the parties from entering into separate agreements setting forth procedures for special programs which can be handled more efficiently and expeditiously by such special agreement.

Nothing in this agreement is intended to diminish or otherwise affect the authority of either agency to carry out its respective statutory functions.

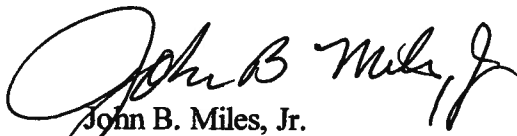
This Reciprocity Agreement will become effective on the date of the last signature.


Sam A. Rogers
Bureau Chief
Occupational Health and Safety Bureau

Date: 4/7/03


Ron Curry
Secretary
New Mexico Environment Department

Date: 4/7/03


John B. Miles, Jr.
Regional Administrator, Region VI
Occupational Safety and Health Administration

Date: 4/7/03