Purpose

The penalty information included in this Appendix is intended to supplement the penalty information found in Chapter 6 of the New Mexico Field Operations Manual. The tables included in this Appendix reflect penalty amounts effective April 1, 2026.

Background

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.

Gravity-Based Penalties for Serious Violations

The gravity-based penalty (GBP) for serious violations shall be assigned based on the levels in Table 6B-1.

Table 6B-1: Gravity-Based Penalties for Serious Violations

Severity	Probability	Multiplier	Gravity	GBP
High	Greater	1.00	High	$17,001
High	Lesser	0.85	Moderate	$14,450
Medium	Greater	0.85	Moderate	$14,450
Medium	Lesser	0.70	Moderate	$11,901
Low	Greater	0.70	Moderate	$11,901
Low	Lesser	0.45	Low	$7,656

Serious Willful Penalties

The proposed penalty for a serious willful violation shall be assigned based on the levels in Table 6B-2.

Table 6B-2: Penalties for Serious Willful Violations

Total Reduction	High Gravity	Moderate Gravity	Low Gravity
0%	$170,019	$127,514	$76,508
10%	$153,018	$114,763	$68,857
20%	$136,015	$102,012	$61,207
30%	$119,013	$89,260	$53,556
40%	$102,011	$76,508	$45,905
50%	$85,010	$63,757	$38,254
60%	$68,008	$51,007	$30,604
70%	$51,007	$38,255	$22,952
80%	$34,003	$25,502	$15,302
90%	$17,001	$12,751	12,498