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New Mexico Field Operations Manual Chapter 6
Appendix A
Adjustment of OHSB Civil Penalties

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.

Minimum and Maximum Penalties

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 6A below.

Table 6A: Maximum and Minimum Civil Penalties

Subsection of NMSA 1978	Type of Violation	Remove Penalty Levels Effective April 1, 2025	Add penalty levels effective April 1, 2026
50-9-24.A	Repeat Willful Willful	Maximum $165,549 Maximum $165,549 Minimum $11,858	Maximum $170,019 Maximum $170,019 Minimum $12,498
50-9-24.B	Serious	$16,553 per violation	$17,000 per violation
50-9-24.C	Other	$16,553 per violation	$17,000 per violation
50-9-24.D	Failure to Abate	$16,553 per day beyond the abatement date	$17,000 per day beyond the abatement date
50-9-24.G	Posting	$16,533 per violation	$17,000 per violation

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

By and Under the Authority of

Signed by:
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