

# NEW MEXICO

STATUTES :        (0)

NONE

## Terms

## References

Industrial Hygiene	0
Industrial Hygienist	0
Certified Industrial Hygienist - CIH	0
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	0
American Conference of Governmental Industrial Hygienists – ACGIH	0
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

# **NEW MEXICO**

## **RULES AND REGULATIONS: (3)**

### **NEW MEXICO ADMINISTRATIVE CODE:**

#### **TITLE 19: NATURAL RESOURCES AND WILDLIFE**

##### **CHAPTER 2: STATE TRUST LANDS**

###### **PART 21: LAND EXCHANGES**

#### **TITLE 20: ENVIRONMENTAL PROTECTION**

##### **CHAPTER 4: HAZARDOUS WASTE**

###### **PART 5: CLANDESTINE DRUG LABORATORY REMEDIATION**

#### **TITLE 20: ENVIRONMENTAL PROTECTION**

##### **CHAPTER 2: AIR QUALITY (STATEWIDE)**

###### **CONSTRUCTION PERMITS**

### **Terms**

### **References**

Industrial Hygiene	2
Industrial Hygienist	1
Certified Industrial Hygienist - CIH	8
Certified Associate Industrial Hygienist	0
Construction Health and Safety Technician – CHST	0
Industrial Hygienist in Training - IHIT	0
AIHA Lab Accreditation Program and related	0
American Industrial Hygiene Association - AIHA	0
American Board of Industrial Hygiene - ABIH	1
American Conference of Governmental Industrial Hygienists – ACGIH	2
Occupational Health and Safety Technologist – OHST	0
Associate Safety Professional – ASP	0
Certified Safety Professional – CSP	0
Board of Certified Safety Professionals – BCSP	0

**NEW MEXICO STATUTES**

**NEW MEXICO STATUTES (UNANNOTATED)**

**(NONE)**

# NEW MEXICO RULES/REGULATIONS

<http://www.nmcpr.state.nm.us/nmac/cgi-bin/hse/homepagesearchengine.exe?url=http://www.nmcpr.state.nm.us/nmac/parts/title19/19.002.0021.htm;geturl;terms=industrial+hygiene>

## NEW MEXICO ADMINISTRATIVE CODE

### TITLE 19: NATURAL RESOURCES AND WILDLIFE

#### CHAPTER 2: STATE TRUST LANDS

##### PART 21: LAND EXCHANGES

**19.2.21.7**           **DEFINITIONS:** The following terms are used in this part as defined below:

(other definitions unrelated to industrial hygiene...)

I.           “exchange proposal” means a proposal for an exchange submitted to the commissioner by an exchange applicant in conformance with the requirements of this rule and the provisions of any published request for exchange proposals;

J.           “governmental entity” means the state of New Mexico, its agencies or political subdivisions, Indian tribes and pueblos, or federal government agencies other than the department of interior;

K.           “hazardous materials” means any substance or material that is governed or regulated by any statute, regulation, rule, order, finding or directive promulgated, issued or enacted by a federal, state or local governmental entity and that relates to **industrial hygiene** or environmental protection, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Sections 9601-9675 and any successor provisions, and the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sections 6901-6992 and any successor provisions;

# NEW MEXICO RULES/REGULATIONS

<http://www.nmcpr.state.nm.us/nmac/cgi-bin/hse/homepagesearchengine.exe?url=http://www.nmcpr.state.nm.us/nmac/parts/title20/20.004.0005.htm;geturl;terms=industrial+hygiene>

## NEW MEXICO ADMINISTRATIVE CODE

### TITLE 20: ENVIRONMENTAL PROTECTION

#### CHAPTER 4: HAZARDOUS WASTE

#### PART 5: CLANDESTINE DRUG LABORATORY REMEDIATION

**20.4.5.7 DEFINITIONS.** Unless otherwise defined in this part, the words and phrases used in this part have the same meanings as in Sections 74-4-1 through 74-4-14 NMSA 1978 (as amended), and 20.4.1 NMAC. As used in this part.

A. “**Certified industrial hygienist**” means a person certified in the comprehensive practice of **industrial hygiene** by the **American board of industrial hygiene**.

**20.4.5.16 REQUIREMENTS FOR REMEDIATION OF RESIDUAL CONTAMINATION.** The evaluation and cleanup of residual contamination found at clandestine drug laboratories after chemicals and equipment have been removed shall meet the following standards.

A. Remediation Firms.

(1) Any preliminary assessment, remediation, and post-remediation assessment of a clandestine drug laboratory for the purpose of complying with this part shall be performed by a remediation firm that meets the requirements of this subsection. The department recommends that the remediation firm performing the preliminary and post-remediation assessments be a different firm than the one that performs the remediation, to ensure independent evaluation of work required and thoroughness of the remediation.

(2) The remediation firm shall be under the direction of a **certified industrial hygienist** or be approved and currently registered to perform such work with a state, county, or municipal agency during the time the firm participates in the assessment or remediation of residual contamination. A firm’s approval, certification, or registration with another state to perform assessments of residually contaminated properties will be accepted as meeting this requirement.

B. Preliminary Assessment of the Property.

(4) In the event the remediation firm determines that remediation is not required, the firm shall provide the owner and the department’s hazardous waste bureau with a written basis for the determination that includes the following statement signed by a **certified industrial hygienist** or principal in the remediation firm certifying the property meets the

requirements in this section and that the no remediation is required. Remediation firm's certification: "I hereby declare that I am a **certified industrial hygienist** or a principle in an approved remediation firm and that this report fully and accurately describes the preliminary assessment of the clandestine drug laboratory property named in the report. I certify that I have reviewed the results of the assessment, including the sampling and testing results, and find that the property meets the clearance levels in 20.4.5.17 NMAC for remediation of residual contamination and does not require further remediation."

D. Post-Remediation Assessment of the Property.

(3) When the remediation firm determines that the remediation of the residually contaminated portion of the property was completed pursuant to the requirements for remediation of residual contamination in this section, a final remediation report with a statement signed by a **certified industrial hygienist** or principal in the remediation firm certifying the remediation of the residually contaminated portion of the property was completed pursuant to the requirements for remediation of residual contamination shall be prepared. The remediation firm shall deliver the remediation report or send the report by certified mail to the owner and the department's hazardous waste bureau chief within 21 days of completion of the remediation pursuant to Subsection C of 20.4.5.16 NMAC. The remediation report certifying that remediation of the residually contaminated portion of the property shall not be in lieu of any certificate of occupancy or any building inspection, if required by a county or municipality.

(4) The remediation firm preparing the remediation report shall maintain that document and all supporting materials for three years.

E. Remediation Report. The remediation report shall include the following information and documentation.

(1) Information demonstrating the remediation firm's qualifications, the name and qualifications of the **certified industrial hygienist** or other principal of the remediation firm, and the names and training records of the onsite supervisor and workers that performed the remediation services on the residually contaminated portion of the real property.

(9) The following statement signed by a **certified industrial hygienist** or principal in the remediation firm certifying that the residually contaminated portion of the property has been remediated in accordance with 20.4.5.16 NMAC. Remediation firm's certification: "I hereby declare that I am a **certified industrial hygienist** or a principle in an approved remediation firm and that this report fully and accurately describes the remediation of the clandestine drug laboratory property named in the report. I certify that I have reviewed the results of the remediation, including the post-remediation assessment results, and find that the remediation was completed pursuant to the requirements for remediation of residual contamination in 20.4.5.16 NMAC."

# **NEW MEXICO RULES/REGULATIONS**

**<http://www.nmcpr.state.nm.us/nmac/cgi-bin/hse/homepagesearchengine.exe?url=http://www.nmcpr.state.nm.us/nmac/parts/title20/20.002.0072.htm;geturl;terms=industrial+hygienist>**

## **NEW MEXICO ADMINISTRATIVE CODE**

### **TITLE 20: ENVIRONMENTAL PROTECTION** **CHAPTER 2: AIR QUALITY (STATEWIDE)** **CONSTRUCTION PERMITS**

**20.2.72.400**      **PREAMBLE:** The Board is concerned about the increasingly common presence of toxic air pollutants in the ambient air. The Board believes that the best approach to regulating sources of toxic air pollutants over the long term is to set ambient standards for each pollutant of concern. However, because of financial constraints, the unavailability of sufficient information to establish such ambient standards, the time necessary to establish such standards for the contaminants identified as toxic air pollutants and because the Board wishes to implement a toxic air pollutant permitting program as soon as possible, the Board has adopted a source-by-source permit-based approach for the present. Under this permit-based approach, the Board has given limited authority to the Department to use factors of the OELs (occupational exposure limits) in evaluating permit applications. The Board recognizes that the use of OELs, or factors of them, as ambient air standards would be inappropriate; therefore, the Board has authorized their use for screening purposes only. This authorization is not intended to represent, and should not be interpreted as, a finding by the Board that these factors are suitable for determining safe or unsafe ambient air concentrations. Various respected groups, such as the **American Conference of Governmental Industrial Hygienists (ACGIH)**, may develop ambient air exposure guidelines in the future. Development of ambient air guidelines by groups such as this could be the basis for developing toxic air pollutant ambient air standards. The Board also notes that the Department currently is developing an emissions inventory of toxic air pollutants. An emissions inventory may identify toxic air pollutants that are of particular concern in New Mexico. The Board believes that efforts like these may facilitate the development of toxic air pollutant ambient air standards. For these reasons, the Board requests the Department to prepare and present a report to the Board within five years of the effective date of the toxic air pollutant permitting requirements. The report shall review and evaluate the implementation of the toxic air pollutant permitting program, summarize the results of the toxic air pollutant inventory gathered pursuant to AQCR 752, and review scientific and technical progress made in the area of toxic air pollutants that might facilitate the development of toxic air pollutant ambient air standards. The Board shall

schedule a discussion of this report at a regular monthly meeting within three months of the publication of this report.

**20.2.72.401 DEFINITIONS:** In addition to the definitions in 20.2.72.7 NMAC, the following definitions apply to 20.2.72.400 NMAC - 20.2.72.499 NMAC:

B. "Existing source" means any source, the construction or modification of which was commenced on or before December 31, 1988.

C. "Fixed capital costs" means that capital needed to provide all the depreciable components.

D. "New source" means any source, the construction of which is commenced after December 31, 1988. The term does not include any new source which is integrally related with and integrally connected to the process of an existing source. The term includes the reconstruction of an existing source.

E. "Occupational Exposure Limit" or "OEL" means the eight-hour time weighted average concentration specified for workroom air in "Threshold Limit Values and Biological Exposure Indices for 1986-1987" as adopted by the **American Conference of Governmental Industrial Hygienists**, or for compounds not assigned an OEL in that document, the minimum detection limit specified in the National Institute for Occupational Safety and Health "Manual of Analytical Methods", Third Edition.

F. "Oil and gas production facilities" means facilities for the exploration, development, production, treatment, separation, storage, transport, and sale of unrefined hydrocarbons, natural gas liquids, and CO<sub>2</sub> (e.g., major SIC group 13, oil and gas extraction, SIC industry group no. 4612, crude, petroleum, pipeline and SIC industry no. 4922, natural gas transmission). Natural gas processing plants and refineries are not included for purposes of this definition.



**20.2.72.405 PERMIT DECISIONS:** In making its decisions, the Department shall consider emissions after control.

C. Ambient concentrations exceeding one one-hundredth of the OEL for substances not identified as carcinogens in 20.2.72.502 NMAC:

(1) If the applicant has been required to prepare a health assessment under Subsection B of 20.2.72.403 NMAC, the Department shall prepare a Summary Review Statement (SRS) which indicates the Department's opinion of the adequacy of the applicant's health assessment. The SRS will include a summary recommendation on whether the issuance of a permit will or will not with reasonable probability injure human health.

(2) If the applicant does not agree with the recommendation contained in the SRS, the applicant's assessment and the SRS will be provided to the Air Toxics Scientific Advisory Committee (ATSAC). The ATSAC will be composed of five members appointed by the Secretary. They will include physicians, toxicologists, **industrial hygienists**, or others knowledgeable of the potential health and environmental effects of air pollution. The committee will include at least one member nominated by the applicant. The ATSAC will review the applicant's assessment and the SRS in a public meeting. The ATSAC shall provide a letter to the Secretary stating: (1) whether the submitted documents provide a scientifically adequate basis to determine whether the proposed source will with reasonable probability injure human health and (2), if the documents do provide an adequate basis, whether the proposed source will with reasonable probability injure human health. If the documents are scientifically inadequate, the ATSAC shall return them to the Department and indicate their inadequacies.