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James C. Kenney, Cabinet Secretary

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NEWS RELEASE*For Immediate Release***Aug. 5, 2020**

The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

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Environment Department files emergency amendment to require employers to disclose positive COVID-19 cases to state

Amendment will result in decreased COVID-19 transmission in New Mexico workplaces

SANTA FE — Today, the New Mexico Environment Department (NMED) filed an emergency rule that requires employers to report positive COVID-19 cases to NMED within four hours of being notified of the case.

The emergency amendment goes into effect today and will remain in effect for no more than 120 days, unless NMED proposes and the Environmental Improvement Board adopts a permanent rule prior to the end of the 120-day period.

NMED's Occupational Health and Safety Bureau is frequently notified of positive cases after employers are notified, resulting in delayed rapid responses. To date, there have been more than 600 cases where the employer knew of a positive worker before NMED, including more than 280 instances where the employer knew of the case at least three days before NMED.

By requiring employers to report positive cases in a timely manner, the state will be able to more rapidly respond to workplaces, providing immediate guidance and support to employers and preventing the spread of COVID-19 beyond the infected employees.

"A critical element of the state's rapid responses is timing – we need to hear as soon as possible when a positive case is identified," said NMED Cabinet Secretary James Kenney. "This amendment ensures that New Mexico employees are protected in the workplace and employers are held accountable. Our Occupational Health and Safety Bureau expects compliance with this emergency rule starting today."

Violations of the emergency rule may result in NMED enforcement action.

The emergency rule is available [here](#).

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