



August 4, 2023

Elemental Kitchen and Laboratory  
2434 Baylor Dr. SE  
Albuquerque, New Mexico 87106

Re: Hazard Alert Letter from NM OSHA Inspection 1687252

Dear Employer,

The Occupational Health and Safety Bureau (NM OSHA) conducted an inspection of your workplace, and an evaluation of your processes disclosed the following workplace condition(s) associated with the potential for development of heat-related illnesses in workers:

- Employees in the production room work near and at the distillation machinery, which produce heat. Based on employee interviews and observation of the work process, the employees are exposed at least 4 hours per day to the heat from the distillation machinery. Measurements taken with a heat stress monitor indicated that the temperature was 91° F, and the heat index was 88°F.

In the interest of workplace safety and health, I recommend that you voluntarily take the necessary steps to materially reduce or eliminate your workers' exposure to the conditions listed above, including, but not limited to, the following:

**General Controls:**

General controls include training, personal protective equipment (PPE), engineering, work practice, administrative controls, health screening, and heat alert programs.

**1. Training.** inform workers of the following:

- a. Hazards of heat-related illnesses.
- b. How to avoid heat-related illnesses by recognizing and avoiding situations that can lead to heat-related illnesses.
- c. Recognition of signs and symptoms of heat-related illnesses.
- d. First aid procedures.
- e. Employer's program to address heat-related illnesses.

**2. Personal Protective Clothing and Equipment:**

- a. For indoor work, loosely worn reflective clothing designed to deflect radiant heat, such as vests, aprons, or jackets.
- b. Cooling vests and water-cooled/dampened garments may be effective under high temperature and low humidity conditions. However, be aware that cooling vests can become an insulator when they reach the body's temperature.
- c. In environments where respirator usage is necessary, consult an industrial hygienist to determine the appropriate clothing to prevent heat stress while protecting the workers.
- d. Consider using dermal patches for monitoring core temperature to better identify when workers need to be removed from the work area.
- e. Consider using heart rate monitoring to better identify when workers must be removed from the work area. Both sustained (180 bpm minus age) and recovery (120 bpm after a peak work effort) heart rates are recommended guidelines for limiting heat strain.

### **3. Engineering Practice Controls:**

- a. Use air conditioning.
- b. Increase general ventilation.
- c. Provide cooling fans.
- d. Run local exhaust ventilation where heat is produced (e.g., laundry vents).
- e. Use reflective shields to block radiant heat.
- f. Insulate hot surfaces (e.g., furnace walls)
- g. Stop leaking steam.

### **4. Administrative and Work Practice Controls:**

- a. Schedule hot jobs for cooler parts of the workday; schedule routine maintenance and repair work during cooler seasons of the year when possible.
- b. Provide adequate, cool drinking water on the worksite that is easily accessible, permitting employees to take frequent rest and water breaks.
- c. Use relief workers and reduce the physical demands of the job.
- d. Use work/rest schedules.

### **5. Health Screening and Acclimatization:**

- a. Allow new workers to get used to hot working environments using a staggered approach over 7-14 days. For example, new workers should begin to work with 20% of the normal workload and time spent in the hot environment, then gradually increase the time over 7-14 days. The same should be done for workers returning from an absence of three or

more days, starting with 50% of the normal workload and time spent in the hot environment, then staging acclimatization over three consecutive days.

- b. Advise workers that certain medications can increase the risk of heat stress. These include:
  - i. Amphetamines – sometimes prescribed for narcolepsy or attention deficit hyperactivity disorder (ADHD),
  - ii. Diuretics - water pills,
  - iii. Antihypertensives - blood pressure medication,
  - iv. Anticholinergics - for treatment of chronic obstructive pulmonary disease (COPD), and
  - v. Antihistamines - allergy medications
- c. Also, alert workers to the dangers of using illegal drugs and alcohol in hot work environments. Illegal amphetamines, such as methamphetamine, are particularly hazardous when heat stress is present.
- d. Some conditions, such as pregnancy, fever, gastrointestinal illness, heart disease, and obesity, may increase the risk of heat-related illness. Advise workers to check with their doctors if they have any questions. (Please note: the employer is NOT entitled to know whether workers have these conditions, but only whether they have any health conditions limiting their ability to perform their job duties. Workers with chronic conditions may sometimes need extra time to acclimate or other accommodations, such as more frequent breaks or restricted work.)
- e. Encourage workers to consult a doctor or pharmacist if they have questions about whether they are at increased risk for heat-related illness because of their health conditions and/or medications.

You may voluntarily provide NM OSHA with progress reports on your efforts to address these heat-related conditions in your workplace. OSHA may return to your worksite to further examine the conditions noted above.

Sincerely,

Robert Genoway, Chief  
Occupational Health and Safety Bureau

For additional resources, please refer to [www.osha.gov/heat](http://www.osha.gov/heat)



## Citation and Notification of Penalty

To:  
Elemental Kitchen and Laboratories  
AND ITS SUCCESSORS  
2428 Baylor Dr. SE  
Albuquerque, NM 87106

**Inspection Number:** 1687252  
**Inspection Date(s):** 07/31/2023-07/31/2023  
**Issuance Date:** 08/08/2023

**Inspection Site:**  
2434 Baylor Dr. SE  
Albuquerque, NM 87106

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Environment Department, Occupational Health and Safety Bureau at the address shown above. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting-**The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

**Informal Conference-** An informal conference is not required. However, at the request of an employer, affected employee, or representative of employees, the Bureau Chief or the Bureau Chiefs designee may hold an informal conference. At this conference any issues raised by an inspection, citation, proposed penalty, proposed petition for modification of abatement date or proposed petition for variance may be discussed. If you intend to request an informal conference, take care to schedule it early enough to allow time to contest after the informal conference discussion, should you decide to do so.

When the conference is requested by an employer, an affected employee or representative shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee. When the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee.

The request for an informal conference and the informal conference meeting shall not extend or modify in any manner:

- 1) an abatement date established in the citation;
- 2) the deadline for an employer to file a notice of contest;
- 3) any other filing deadline related to the citation; or
- 4) any matter pending before the bureau.

Once an employer files a notice of contest, a petition for modification of the abatement date, a request for a commission hearing, a petition for variance, or other filing with the Occupational Health and Safety Review Commission or the Environment Department, the opportunity for an informal conference is no longer available.

**Right to Contest-** You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Bureau Chief in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. It is recommended that the Notice of Contest be filed via "Certified Mail".

**Penalty Payment-** Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to the Environment Department, Occupational Health and Safety Bureau. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

**Notification of Corrective Action -** For violations which you do not contest, you should notify the Occupational Health and Safety Bureau (OHSB) that each cited violation has been abated. To certify abatement, you should complete the "Description of Corrective Action Taken" box which follows each citation and sign the statement on the last citation page. You are not required to certify abatement if the compliance officer observed that abatement has occurred during the on-site inspection. The citation may indicate that you should submit additional documentation such as photographs, purchase orders, copies of written programs, etc. Failure to return all completed forms and documents to the Program Manager no later than 10 days after the abatement date may result in additional penalties.

You are also required to inform your employees about abatement activities by posting a copy of each document submitted to OHSB or a summary of the document near the place where the violation occurred. Documents must remain posted for 3 working days after submission to OHSB.

**Employer Discrimination Unlawful-** The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Environment Department, Occupational Health and Safety Bureau at the address shown above.

**Notice to Employees -** The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Environment Department, Occupational Health and Safety Bureau at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Please note that your facility will appear on the Department's Enforcement Watch as a result of this Citation and Notification of Penalty (see: <https://www.env.nm.gov/enforcement-watch/>). Further, the Department will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved, including the payment of the assessed civil penalty.

State of New Mexico  
Environment Department  
Occupational Health and Safety Bureau



525 Camino de los Marquez, Suite 3  
Santa Fe, NM 87505  
Phone: (505) 476-8700 Fax: (505) 476-8734

Inspection #: 1687252  
Inspection Date(s): 07/31/2023-07/31/2023  
Issuance Date: 08/08/2023

**Citation and Notification of Penalty**

Company Name: Elemental Kitchen and Laboratories  
Inspection Site: 2434 Baylor Dr. SE Albuquerque, NM 87106

Citation 1 Item 1      Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.303(e)(1)(ii): Other markings giving voltage, current, wattage, or other ratings as necessary.

On or about July 31, 2023, Elemental Kitchen and Laboratories did not mark voltage on 2 electrical panels in the production room, exposing employees who might access those panels to electrical shock of an unknown voltage.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:  
Proposed Penalty:

September 01, 2023  
\$0.00

I attest that all corrective actions contained in this document are accurate and affected employees have been informed of the abatement.

Signature

Date

**State of New Mexico**  
Environment Department  
Occupational Health and Safety Bureau



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Pursuant to the New Mexico Environment Department Delegation Order dated March 24, 2023, the Cabinet Secretary has delegated the authority to issue this Citation and Notification of Penalty to the Occupational Health and Safety Bureau Chief.

Robert Genoway, Bureau Chief

State of New Mexico  
Environment Department  
Occupational Health and Safety Bureau  
525 Camino de los Marquez, Suite 3  
Santa Fe NM 87505  
Phone: (505) 476-8700 Fax: (505) 476-8734



## INVOICE

**Company Name:** Elemental Kitchen and Laboratories

**Inspection Site:** 2434 Baylor Dr. SE Albuquerque, NM 87106

**Issuance Date:** 08/08/2023

**Summary of Penalties for Inspection Number:** 1687252

Citation 1 Item 1, Other-than-Serious


\$0.00

**TOTAL PROPOSED PENALTIES:**

**\$0.00**

Please remit payment promptly to this office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: Environment Department, Occupational Health and Safety Bureau. Please indicate OHSB's Inspection Number (indicated above) on the remittance.

OHSB does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

  
Robert Genoway, Bureau Chief

8-9-2023  
Date