

NAVAJO OSHA 101-INTRO

THE NAVAJO NATION



HISTORY

The Navajo Occupational Safety & Health Administration was established and recognized in 2000 by the Navajo Nation Council through the Navajo Occupational Safety and Health Act of 2000.

Due to a series of events, NIOSHA was created....



NAVAJO FORESTRY PRODUCTS INDUSTRIES



NFPI is the oldest of a number of business enterprises formed, owned and operated by the Navajo Tribe located on the Navajo Reservation in Navajo, New Mexico.



The enterprise is engaged in the business of manufacturing wood products, including logging operations and the operation of a sawmill, molding plant, etc.

ISSUES

On May and October, 1976 OSHA entered NFPI site in Navajo, NM (Navajo Nation). Upon conclusion of the site visit, OSHA Secretary issued a citation and a proposed penalty of \$4,040.00 for one (1) serious violation and fifty-three (53) other-than-serious violations.

Prior OSHA had received several reports on injuries and even a death at the NFPI site in Navajo, NM (Navajo Nation).



ISSUES

NFPI contested the citation, asserting, among other grounds, that the Secretary of Labor lacked jurisdiction over an Indian enterprise conducted and carried out on tribal lands.

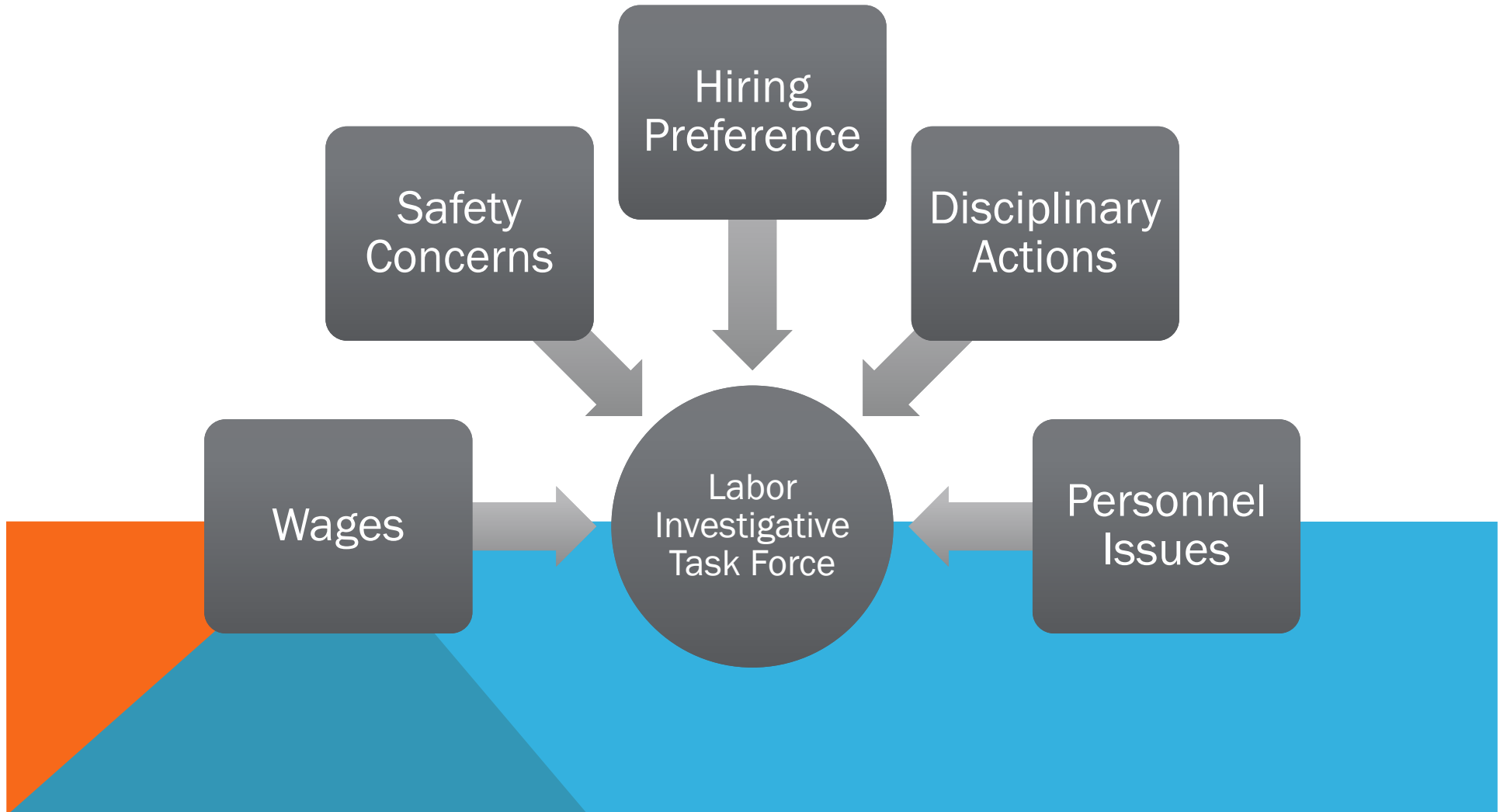
The Matter was taken before an Administrative Law Judge (ALJ) who determined, following a full hearing, that OSHA did not apply to NFPI. The Secretary was ordered to vacate the order and assessed penalties.

On the Secretary of Labor's petition, the ALJ's decision was reviewed by the Occupational Safety and Health Review Commission, pursuant to 29 U.S.C.A. Sec. 659(c). Both the ALJ and the Commission found/concluded, notwithstanding the Secretary's strong reliance on *Federal Power Commission v. Tuscarora Indian Nation*, 363 U.S. 99, 80 S.Ct. 543, 4 L.Ed2d 584 (1960), that OSHA did not apply to NFPI because there exists no legislative intent in OSHA or its legislative history to abrogate the treaty entered into between the United States Government and the Navajo Indian Tribe; Thus, to apply OSHA to NFPI would violate the Navajo Treaty.



MOVEMENT FORWARD

The Navajo Nation Council established the Labor Investigative Task Force to receive complaints of hazardous workplaces and safety concerns of the employees.



NOSHA'S START

June 12, 1999 a “safety committee’ was established to begin looking at framing out Navajo OSHA.

The Navajo Occupational Safety and Health Advisory Committee:

- Rita A. Begay, BIA Safety Management, Area Office
- Lee Shands, NAIHS Occupational Safety and Health Management
- Joseph Bentham, BIA Safety Management, Ft. Defiance Agency
- Roy L. Chee, Navajo Housing Authority
- Paul Bemore, Navajo Tribal Utility Authority
- Christine Yazzie, Navajo Agricultural Products Industries
- Frankie Johnson, Navajo Engineering Construction Authority
- Harrison Nez, Worker’s Compensation Program
- Clifford J. Woody, Worker’s Compensation Program



THE NAVAJO NATION SAFETY & HEALTH ACT OF 2000

Resolutions from two Navajo Nation
Council Committees and the Full
Council:

- Human Service Committee
Resolution
- Government Services Committee
Resolution
- Navajo Nation Council Resolution



NAVAJO NATION STRUCTURE



Navajo Nation
Council
(Legislative)



Navajo Nation
Office of the
President
(Executive)

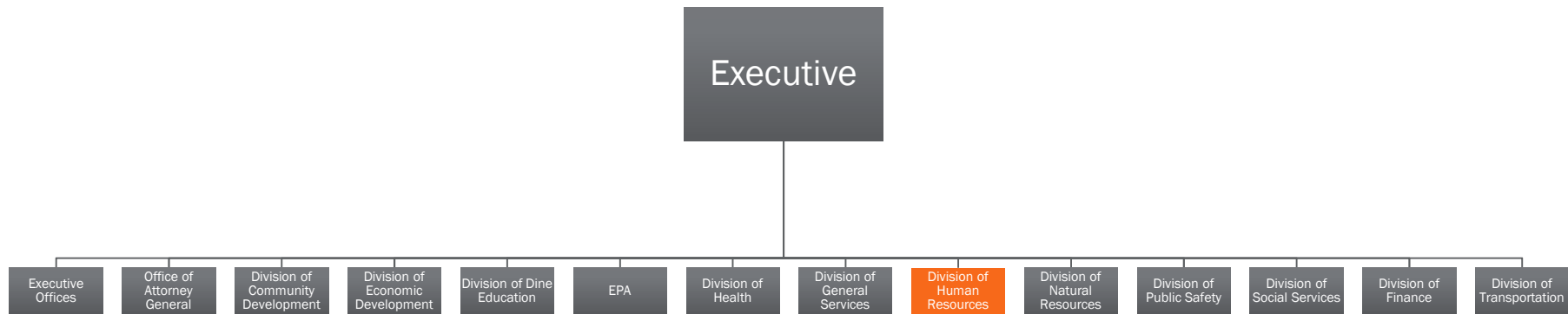


Chief Justice
of the Navajo
Nation
(Judicial)

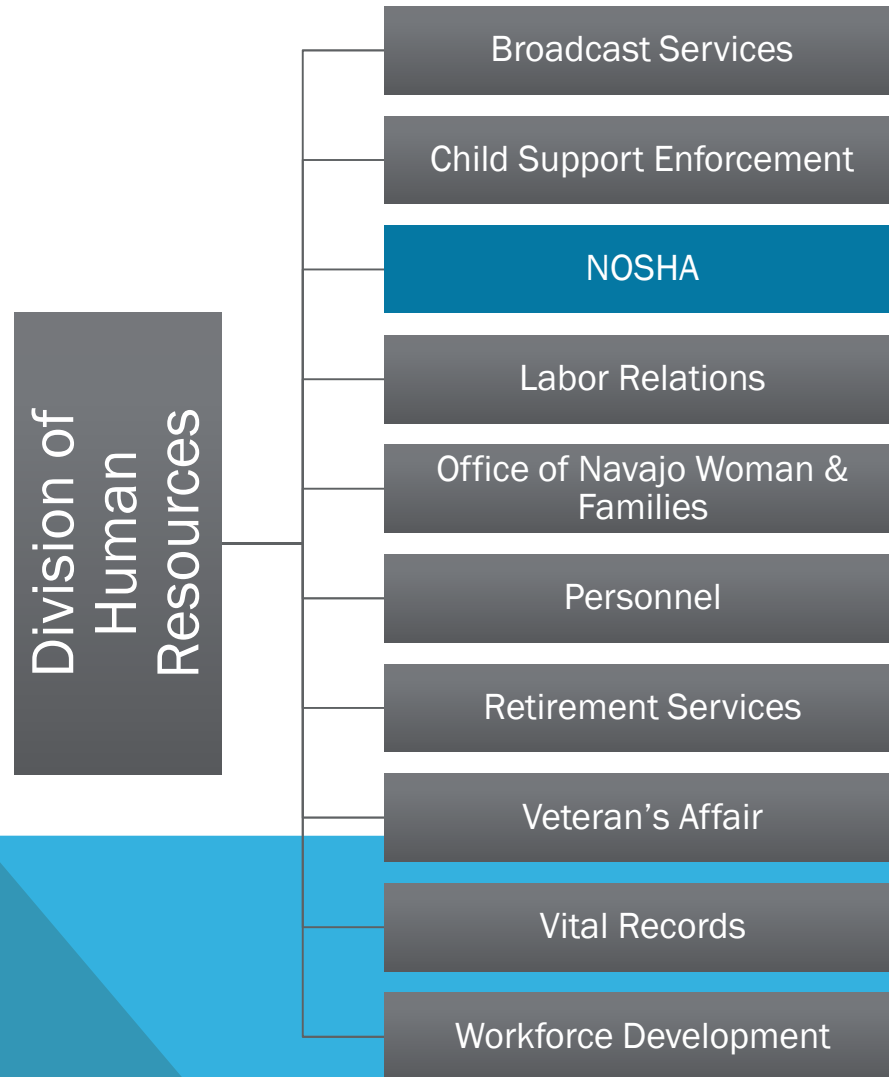


Navajo Nation Code

EXECUTIVE BRANCH



DIVISION OF HUMAN RESOURCES



NOSHA

Mission: Through education and consultation, NOSHA is a trusted and committed partner in creating and elevating workplace safety and prosperity for the Navajo Nation.

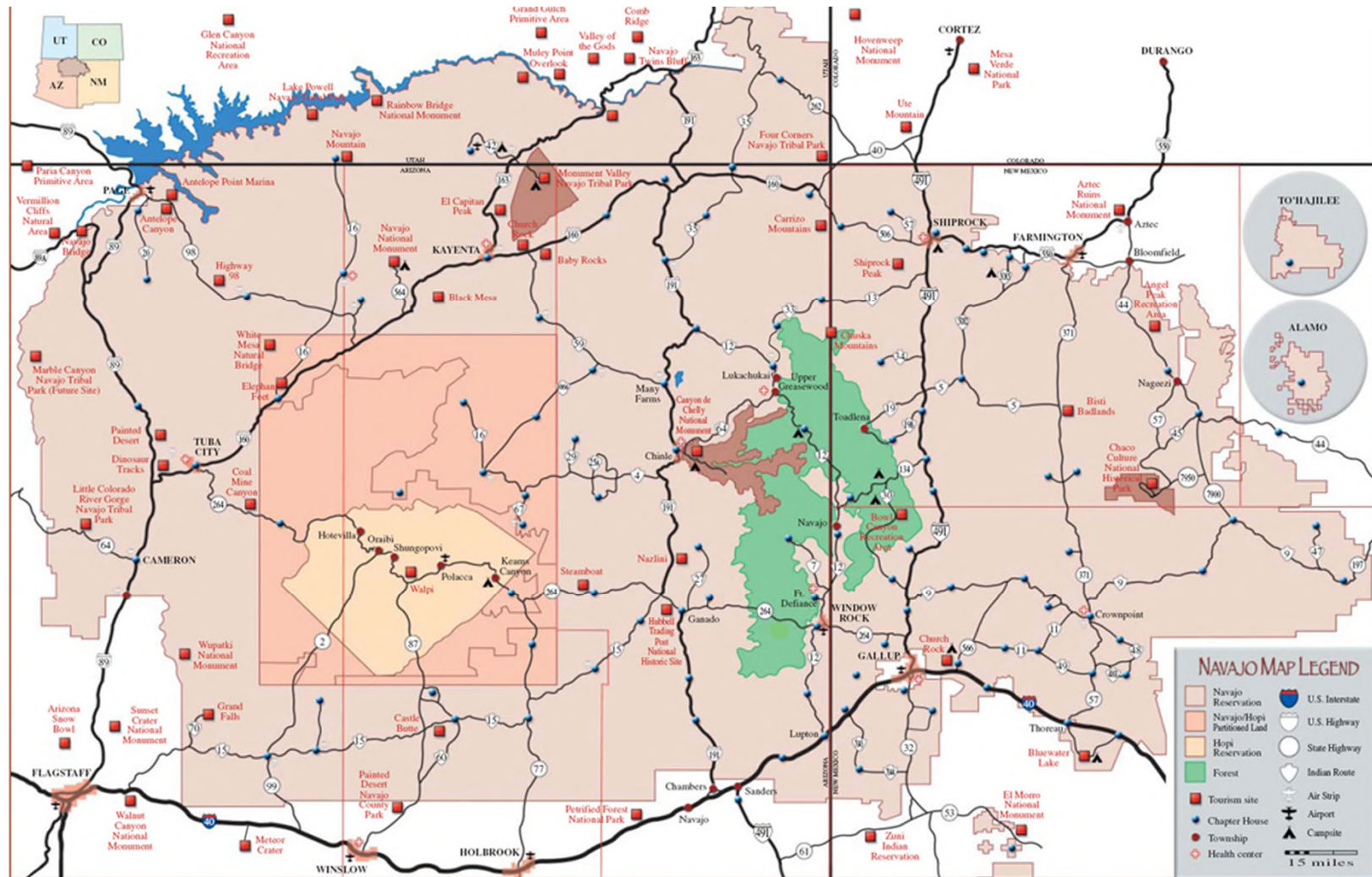
NOSHA has promulgated the following standards:

- General Industry (1910)
- Construction Industry (1926)
- Agriculture Industry (1928)
- Maritime Industry (1915)



DEMOGRAPHICS

Literally spans the distance between Albuquerque, NM to the Grand Canyon!



EMPLOYERS

The Navajo Nation

Grant Schools

“638” Hospitals

Public Schools

Private Schools

Private Construction

Laundries

Convenience Stores

Maintenance and Cleaning Services

Casinos (4)

Manufacturing

Boat Docks

Tourism

Oil & Gas-Exploration, Up, Mid, and Down.

Forestry

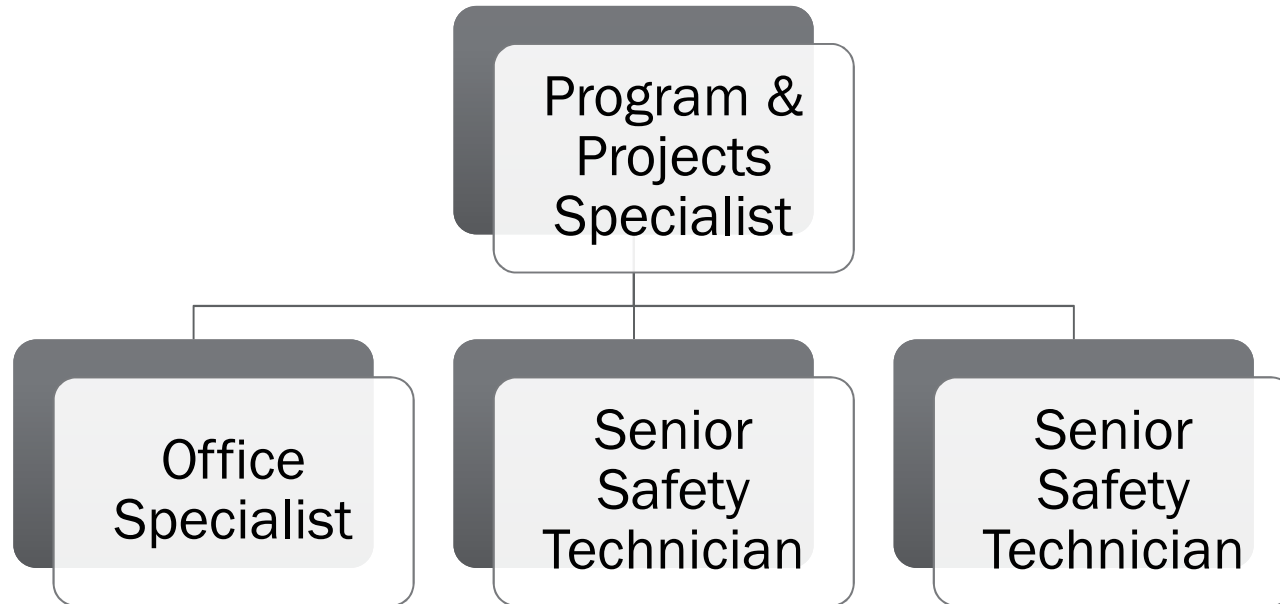
Telecommunications

Agricultural

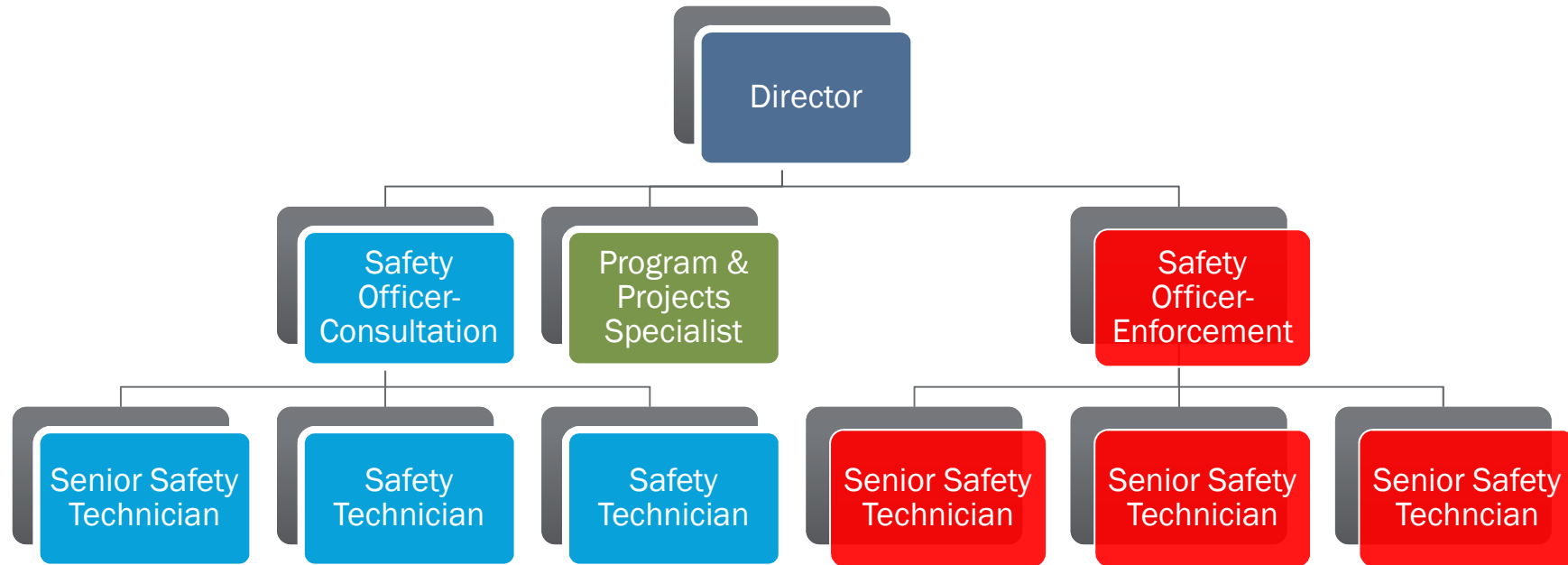


NOSHA has documented nearly 389 various employers. In 2013-2014 there has been nearly \$1.3 Billion in construction alone.

NOSHA



Proposed NOSHA



BUILDING CAPACITY

- Create a Navajo Nation Safety & Health Standard
- Apply and Attain Fed OSHA Recognition of Navajo Nation Plan
- Establish independent NIOSH Field Offices
- Bi-furcate Duties, Consultation and Enforcement
- Obtain External Funding to supplement internal Navajo Nation Funds for:
 - Personnel
 - Field Offices
 - Educational material
 - Safety Campaigns
 - Research

IN CONCLUSION

**NIOSHA is a trusted and committed partner
in creating and elevating workplace
safety and prosperity for the Navajo
Nation.**



QUESTIONS?

“Coming together is a beginning; keeping together is progress; working together is success.”-Henry Ford



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