



New Mexico Cattle Growers' Association

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The Honorable James C. Kenney, Secretary

New Mexico Environment Department

1190 St. Francis Drive, Suite N4050

Santa Fe, New Mexico 87505

Re: Heat Exposure Rule

Dear Secretary Kenney:

The New Mexico Cattle Growers' Association has reviewed the NMED's proposed Heat Exposure Rule. We also submitted it to our membership and asked them for their experience with heat exposure incidents.

Eighty of our members responded to the survey. Ninety-two percent of them are cow/calf operators.

Ninety-five percent responded that they had not had a heat exposure incident in their operation during the past five years. Two respondents said they had. One incident occurred while working on a roof, not a typical activity for our producers. The other incident involved an 18-year old on a welding job. According to the respondent, the "[y]oung man [was] welding a fence and not taking breaks to get out of the heat. 18 years old and knew it all."

Our members say they deal with the prospect of a heat exposure incident by encouraging "hydration; [trying] to not do too much during the hot days or try to get done before it gets too hot; [p]lenty of water, work early mornings." One said that "[w]hen it gets really hot outside, we use common sense on our ranch. Depending on conditions, we may start getting ready before daylight, work until late morning, knock off until 3 or 4 o'clock, and then hit it again until dark. We wear long-sleeved, light-colored clothing. We pack water in a cooler if we'll be close to it or in saddle bags if not."

The response to the proposed rule (put politely) is that it is not workable. One respondent explained that, under the rule (section 11.5.7.10), "[w]hile my guys are out gathering cattle (often individually), they'll have to be leading a pack animal loaded with water that stays chilled. They'll have to hunt for a tree to cool off under for at least 15 minutes every hour.

BRONSON CORN, President, Roswell; **TOM PATERSON**, President-Elect, Luna; **BECKY SPINDLE**, Vice-President At Large Amistad, **ROY FARR**, SW Vice-President Datil; **DAVE KENNEKE**, NW Vice-President, Cimarron; **JEFF DECKER**, SE Vice-President, Lovington; **CLIFF COPELAND**, NE Vice-President, Nara Visa; **SHACEY SULLIVAN**, Secretary-Treasurer, Bosque Farms; **LOREN PATTERSON**, President, Corona; **RANDELL MAJOR**, Past President, Magdalena

Because we don't have cell coverage on parts of the ranch, they'll also have to be packing a satellite phone on that pack animal to report regularly on their condition. And they'll have to be doing this while gathering and moving cattle that may not want to stand by patiently waiting while they're cooling off." Others were more succinct. They responded that the proposed rule appears to be a solution in search of a problem, it is not necessary in our industry, would involve unnecessary bureaucratic paper shuffling and would impose additional costs on operations and consume their time (sections 11.5.7.8-.9, 11.5.7.13).

Respectfully, Mr. Secretary, we urge you to abandon this rule as not necessary or, at the very least, give livestock agriculture an exemption from it.

Sincerely,



Tom Paterson, President-Elect
New Mexico Cattle Growers' Association