



Public Comment

Submitted Jointly by: NECA New Mexico Chapter & IBEW Local Union 611

RE: Opposition to Proposed NM OSHA Heat Stress Standard

On behalf of the National Electrical Contractors Association (NECA) New Mexico Chapter and the International Brotherhood of Electrical Workers (IBEW) Local Union 611, representing electrical contractors and the skilled electricians who power New Mexico's infrastructure, we respectfully submit this joint comment in strong opposition to the proposed Heat Stress Standard under consideration by the New Mexico Occupational Health and Safety Bureau (NM OSHA).

Our members, contractors and union electricians alike are united in our commitment to worker safety. Protecting the health and wellbeing of our workforce is fundamental to our industry. However, the rule as drafted introduces overly prescriptive mandates that would have severe unintended consequences for worker schedules, employer operations, and overall jobsite safety.

Unworkable Rest Break Requirements

One of the most concerning provisions of the proposed rule is the mandated rest schedule once temperatures reach 90°F—with a required 13°F solar adjustment for construction work. During much of New Mexico's long summer season, this would place most job sites above the 103°F threshold, triggering a requirement of 40 minutes of paid rest for every 20 minutes of labor. This rest-to-work ratio is simply unfeasible in real-world job site operations and would stall productivity to the point that many projects would no longer be viable.

Excessive Administrative and Logistical Burdens

The rule also introduces extensive administrative and logistical demands. Requirements such as heat exposure assessments, detailed recordkeeping, acclimatization tracking, and the installation of shaded rest areas are extraordinarily difficult to implement on dynamic, multi-phase, or large-scale job sites. These burdens disproportionately affect small and mid-sized contractors, adding costs and delays that ultimately hinder both public and private infrastructure development across the state.

Regulations Already in Place

We also question the necessity of this rule, given that protection against heat-related hazards already exists under federal law. Contractors are currently held accountable under the Occupational Safety and Health Act's General Duty Clause and many already adhere to OSHA's Heat Illness Prevention Campaign best practices. These existing frameworks allow employers to assess and mitigate risks based on site-specific conditions. The proposed NM OSHA rule not only duplicates these efforts but goes far beyond them imposing blanket mandates that remove flexibility and ignore the professional judgment of safety managers and crews on the ground.



Negative Impact on the Workforce and Scheduling

Shifting work hours to early mornings or nighttime to avoid heat exposure is not a practical or safe solution for most electricians. Many of our members have caregiving responsibilities or transportation limitations that make nontraditional shifts unworkable. These changes would exacerbate New Mexico's skilled labor shortage, reduce workforce participation, and disincentivize new entrants to the trade especially those who rely on consistent, daytime schedules.

Mental Health and Safety Risks of Night Work

Pushing work into nighttime hours introduces its own set of safety hazards. Studies show that night work is associated with increased fatigue, sleep disruption, higher rates of depression and anxiety, and greater risk of on-the-job accidents. For electricians whose work often involves hazardous conditions, high voltages, and elevated platforms, these risks are not acceptable.

Call for a Collaborative, Practical Approach

We strongly urge NM OSHA to withdraw the proposed rule in its current form and initiate a collaborative stakeholder process to develop a more balanced, flexible approach. Heat safety standards must be practical, enforceable, and adaptable to the varying conditions across New Mexico job sites.

NECA New Mexico and IBEW Local 611 remain committed to protecting workers and improving jobsite safety. We ask that NM OSHA work with us to develop effective standards that reflect real job-site conditions and the realities of the electrical trade.

Thank you for the opportunity to comment.