



CITY OF FARMINGTON

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The Honorable Phoebe Suina
Chair
Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Drive, Suite N 4050
Santa Fe, New Mexico 87505

Ms. Kristy Peck
Acting Bureau Chief
Occupational Health and Safety Bureau
New Mexico Environmental Department
1190 St. Francis Drive, Suite N 4050
Santa Fe, New Mexico 87505

RE: Public Comment on Proposed Rule 11.5.7 NMAC – Heat Illness and Injury Prevention

Dear Chair Suina and Bureau Chief Peck:

While we share your commitment to protecting workers from heat-related illness and injury, we must respectfully oppose the proposed rule in its current form. As written, the rule may lead to unintended consequences that negatively affect businesses, local governments, and the people they serve, while creating significant compliance challenges for employers.

Of particular concern is the requirement in Section 11.5.7.9 (Heat Exposure Assessment), which mandates that employers conduct a heat exposure assessment for each employee, including personal risk factors for heat illness. According to Section 11.5.7.7 (Definitions: G), these personal risk factors include an individual's age, level of acclimatization, overall health, water and alcohol consumption, caffeine intake, and the use of prescription medications that affect hydration or heat tolerance. On top of being difficult to measure, this may require supervisors to collect potentially confidential medical information for every employee and to keep this information regularly updated. Such a requirement raises significant concerns about privacy, data management, and legal liability.

Furthermore, the rule does not appear to adequately consider its impact on Police and Fire operations and training. Although emergency response operations are exempt, Police and Fire academies would be limited in their ability to prepare cadets for the intense physical and mental demands of real emergency scenes. The prescribed work/rest cycles may prevent essential simulations of the effort level, heat conditions, and duration of actual emergencies—ultimately putting cadets, and by extension the public, at greater risk. The rule is also likely to effect on-duty police officers working extended outdoor community events.

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Finally, the proposed rule will undoubtedly increase the time and costs associated with completing projects and performing routine maintenance. It may also require additional staffing to maintain current service levels for our citizens. The full extent of the rule's potential negative impacts on local governments is difficult to quantify.

For these reasons, we respectfully oppose the rule.