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May 21, 2025

New Mexico Environmental Department
Occupational Health and Safety Bureau
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

RE: EIB 25-11 (R) - Proposed New Regulation 11.5.7 NMAC – Heat Illness and Injury Prevention

To Whom it May Concern,

The Home Builders Association of Central NM would like to offer our comments and objections to the proposed new regulation on Heat Illness and Injury Prevention. We support steps in protecting workers from heat-related illness and injury and our members currently comply with federal heat illness prevention requirements and have for many years. We feel this new rule is not necessary when you look at the data on heat-related illnesses while on the job. In the New Mexico Home Builders Association letter for public/industry comment, they referenced the NM OHSB logs showing only 7 heat-related work illnesses in New Mexico in 2024. We acknowledge there were other heat-related illnesses reported but are not tied to a construction job site.

We do want workers to be treated fairly and kept healthy. Our members currently have safety mechanisms in place for hydration breaks and reminders, safety briefings, and other ways of keeping their jobsites safe without disrupting productivity.

There are many issues with this new regulation, and we would like to show how, if approved, it will impact the timeline in building a home and these added restrictions/requirements will add to the price of a home. We are all very aware of the fact that there is a housing shortage and our industry works very hard to make sure unnecessary requirements do not add to this problem.

The easiest point for us to address is reducing the daily active work time for each trade. This will have a great impact on the price of a home. In order to follow the unrealistically low temperature threshold, work crews who are in the full sun at 88 degrees, would require 30 minutes of shade every hour. This means in the average summer temperatures in New Mexico, crews will only be able to actually "work" on building a home a portion of the day. This will increase cycle times and increase the final price on a home. Just this one small part of the new rule will cause a financial burden that will be passed down to the consumer.

We will not go into detail on each requirement of the new rule but do ask that you reconsider this proposed rule on Heat Illness and Injury Prevention. It is unnecessary and will continue to drive up housing costs and make homes less attainable for those who need them the most.

Sincerely,


JP Rael
2025 HBA President



Lana Smiddle
Executive Vice President

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