

RE: Heat Illness and Injury Prevention

On behalf of our members from across the state, the New Mexico Hospitality Association submits the following comments in response to the Proposed Heat Illness and Injury Prevention Rule. NMHA members have serious and wide-reaching concerns regarding the Proposed Rule in its current form.

1. Employer responsibility already exists – Employers are already bound by OSHA’s General Duty Clause and can be cited for failure to address heat-related hazards. <https://www.osha.gov/laws-regs/oshact/section5-duties>
2. This Proposed Rule attempts to apply uniform standards across vastly different industries, business models, geographies, and work environments, potentially creating undue hardship from over-reaching compliance and reporting requirements.
3. The Proposed Rule imposes rigid requirements that fail to account for hospitality businesses operational diversity and realities. For many small businesses with limited staffing, this one-size-fits-all approach creates impractical challenges. Specifically, the acclimation and break requirements could place overwhelming burdens on businesses with few employees or specialized environments that rely on a specific number of employees on duty at peak times. While many of our hospitality members operate under national hotel brand names, they are in fact small businesses with limited staffing and resources.
<https://www.ahla.com/about/our-industry>
4. In addition to staffing challenges, the Proposed Rule introduces significant administrative and compliance requirements. The combined demands of creating and maintaining plans, recordkeeping, training, and acclimation protocols introduce significant administrative challenges that may overwhelm even well-resourced operators.
5. We have concerns that the Proposed Rule significantly underestimates the compliance costs for businesses and underestimates the actual financial burden on small business across the state (including potential infrastructure upgrades, labor adjustments, and possible operational disruptions).

In addition to the items listed above, the hospitality and tourism industry shares the specific concerns shared and submitted by our state-wide partners - The New Mexico Chamber of Commerce and The New Mexico Restaurant Association. We also share their commitment to work with NMED on developing and implementing practices that benefit employees and employers across the state.

Please contact me if you have questions or need additional information.

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*NMHA members include hotels (branded & independent), municipalities, marketing organizations, attractions, tour guide operators, restaurants, retail suppliers, and other support businesses for hospitality and tourism across New Mexico.