



State of New Mexico
House of Representatives
Santa Fe

April 30, 2025

REBECCA DOW
REPUBLICAN CAUCUS CHAIR
R - Doña Ana, Sierra & Socorro
District 38

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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 Chief, Occupational Health and Safety Bureau
New Mexico Environment Department
1190 St. Francis Drive, Suite N 4050
Santa Fe, New Mexico 87505

Dear Chair Suina and Bureau Chief Peck:

Please accept this letter as my official opposition to the proposed Occupational Heat Illness and Injury Prevention rule currently under consideration. While safeguarding workers from extreme heat is important, this proposal would directly undermine one of New Mexico's most pressing needs: lowering the cost of housing, construction, and capital investments in New Mexico's infrastructure.

As you are aware, New Mexico is already struggling with rising housing prices and construction costs, making it increasingly difficult for families, businesses, and builders to afford new homes and commercial projects. This proposed rule will worsen that crisis. It would impose extensive, one-size-fits-all mandates—regardless of regional climate differences or existing successful safety practices—which will inevitably drive up the cost of labor and construction projects statewide.

These new regulatory requirements, such as frequent break schedules and mandatory cooled areas—even in remote, infrastructure-poor worksites—will impose high logistical and financial burdens on contractors, developers, and especially small businesses. By significantly increasing administrative compliance requirements and necessitating costly site modifications, this rule will

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make housing and development more expensive at precisely the time our state needs to remove barriers to building and investment.

Worse, the rule duplicates existing federal OSHA guidelines, adding confusing, potentially contradictory rules for employers to follow, raising the risk of double enforcement and legal uncertainty. Rather than improving worker protection, this redundancy will only escalate employer costs and regulatory risks, further inflating the cost of doing business in New Mexico.

If the state is truly committed to increasing housing affordability and economic opportunity, it must avoid unnecessary—and unproven—state mandates that deter investment, shrink capital supply, and slow housing delivery. The reality is that every new cost imposed on builders and employers is ultimately passed along to working families in the form of higher rent, mortgage payments, and consumer prices.

Instead, I urge the Board and Bureau to work with industry and federal partners on voluntary, evidence-based strategies that promote workplace safety without additional costly mandates. We can and should both protect workers and make housing and investment more affordable—but this proposed rule will do the opposite.

Thank you for considering my concerns.

Serving New Mexico,

A handwritten signature in black ink, appearing to read 'Rebecca Dow', with a stylized, cursive script.

Rebecca Dow
House Republican Caucus Chair
House District 38