

New Mexico Environment Department  
Occupational Health and Safety Bureau  
Harold Runnels Building  
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:

I appreciate the opportunity to provide input into the Proposed New Regulation – Heat Illness and Injury Prevention.

I have worked in safety for 25 years that included various positions at the New Mexico Occupational Safety and Health Bureau, National Labs, oil and gas industry and construction. Most of my work has been in New Mexico.

Recently, I attended 2 Stakeholder meetings in the Albuquerque area and left with a number of comments and more questions.

First of all, I would like to be clear that I realize how important it is to protect our New Mexico workers from the hazards associated with heat. However, a Regulation as specific and aggressive as the one proposed may not be the solution.

One size will not fit all. New Mexico is unique and any new regulations should be state-specific, not a cut and paste from Federal OSHA and other states. The current proposed regulation does not consider the differences in temperatures, humidity, workforce, industries, etc. **Why did NM OHSB decide to choose a specific-based standard rather than one that was performance-based?**

According to Attachment 1 of the Petition for Regulatory Change and Request for Hearing: The New Mexico Department of Health conducted a study of all reported heat related illnesses for the two-year period 2008 and 2010. Reported were 526 heat-stress emergency department (ED) visits among NM residents. One would have expected Work Comp claims data to be similar. **How did the Environment Department decide how many were work-related to justify the need for the Proposed Rule? Why doesn't the number match up with Work Comp data?**

In the same attachment, the Bureau reported having received 232 heat-related complaints from workers since adopting the federal OSHA's NEP, for heat related illness and injury in May of 2023. **Were the complaints formal complaints, informal complaints, referrals, or what? How many resulted in phone/faxes, inspections or other type of follow-up?**

In the same attachment, in 2022, the Bureau adopted the NEP for Outdoor and Indoor Heat Related Standards to track heat as a hazard in the state, and a means by which heat related hazards in the state could be effectively evaluated. As a result, the Bureau conducted 20 Heat NEP related inspections since the inception. **What are the case numbers of the 20 inspections?**

In the same document, it is stated that it is to establish standards related to the occupational health and safety of employees to prevent heat illness and related injuries. **If the Proposed Rule passes, using the data presented, what criteria will the NM Environment Department use to determine if heat illness and related injuries have been reduced? Simply, does the Department intend to collect follow-up data from hospitals again to compare?**

It was reported during the Stakeholders Meeting on April 15, 2025 that NM OHSB has decided to conduct an economic impact study. I am happy to hear about the change in plans. I believe you will find the economic impact on construction companies and the customers they serve will be great if not infeasible.

Again, I appreciate the opportunity to provide input and get additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carol Walker', with a long horizontal flourish extending to the right.

Carol Walker, MS  
Safety Compliance Specialist