



State of New Mexico
House of Representatives
STATE CAPITOL
Santa Fe

April 30, 2025

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 Environment Department
1190 St. Francis Drive, Suite N 4050
Santa Fe, New Mexico 87505

Dear Chair Suina and Bureau Chief Peck:

It has come to our attention the Occupational Health and Safety Bureau has submitted a petition to the Environmental Improvement Board to adopt a proposed rule on occupational heat illness and injury prevention. While we appreciate the need to protect employees from excess heat illnesses and injuries, we oppose this proposed rule because we are concerned this rule's one-size-fits-all approach fails to recognize existing workplace safety practices or the varying nature of various job sites and regional climates across our vast state.

Our opposition to this proposed rule is due to our understanding it is an unworkable effort to supersede the current practical and common sense measures that have already been developed jointly by the federal Occupational Safety and Health Administration (OSHA) and other industries to address heat-related illnesses and safety. Therefore, we are not convinced a new set of state regulations will have any positive impact on workers' health, although it will have a significant negative impact on jobsite efficiency and increase employer costs. Further, since the OSHA and the other industries' jointly developed health standards are being actively enforced, a new state regulatory scheme will only duplicate current enforcement efforts and potentially place employers in a situation of "double jeopardy" by having to fulfill both state and federally mandated workplace requirements.

We are also concerned this proposed rule places additional administrative burdens, especially on small and medium sized employers, who are typically least able to pass these additional costs on to customers due to competitive pressures in the marketplace. It

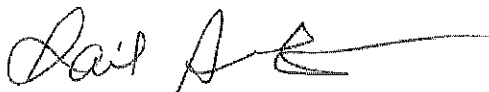
is also our understanding this proposed rule places the full responsibility on employers, even in cases where workers arrive at the workplace dehydrated due to alcohol use and other personal behaviors.

The negative impact this proposed rule will have on outdoor recreation businesses and the agricultural/ranching industry is also troublesome. Both industries simply cannot fulfill the many mandates this proposed rule would impose, such as the requirement that breaks must be taken every 20 minutes for at least 40 minutes if workers are in full sun and doing heavy labor when temperatures exceed 90 degrees F as that would result in only 20 minutes of work for every hour. Equally concerning is the proposed requirement that employers must provide shade or mechanically cooled areas for employee breaks; while also ensuring they are sufficient to accommodate all workers and located close to work areas. This cooling area requirement may sound reasonable in theory for indoor jobs, but how can an outdoor recreation or agriculture/ranching operation guarantee shade or mechanical cooling in a remote area with no electricity or no shade located nearby?

Again, we share the concerns regarding the need to protect workers from excessive heat exposure, but simply passing a new mandatory proposed rule that duplicates federal enforcement efforts and raises costs to employers without any assurance worker protections will improve is just another example of the over regulation of businesses that has been prevalent for the past six years. Rather than pursuing a new regulatory framework, we encourage the Occupational Health and Safety Bureau to work in a cooperative manner with all indoor and outdoor businesses to develop a voluntary program that will truly address worker heat illness and safety issues without the heavy hand of state government mandates.

Thank you for your consideration of our concerns and views.

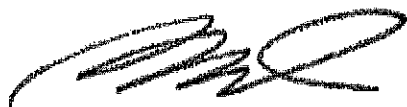
Respectfully yours,



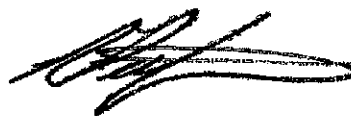
Gail Armstrong
House Republican Leader
House District 49



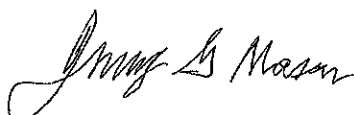
Alan T. Martinez
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House District 23



Rebecca Dow
House Republican Caucus Chair
House District 38



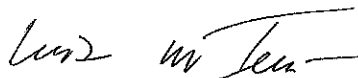
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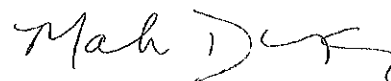
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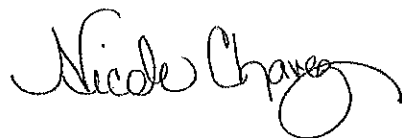
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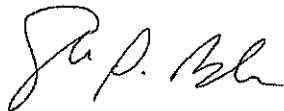
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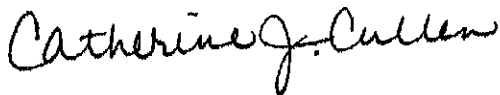
Brain G. Baca
State Representative
House District 8



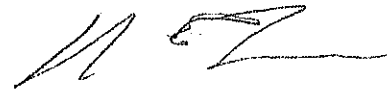
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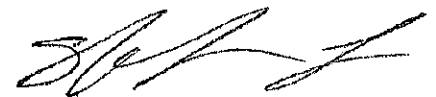
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