



Re: New Mexico Regulation 7915 2025

Proposed Heat Illness and Injury Prevention Rule Proposed Heat Illness and Injury Prevention Rule

The National Association of Landscape Professionals (NALP) represents the \$98 billion landscape industry, employing more than 1.4 million professionals across the United States, including in New Mexico. Our members perform vital services such as lawn care, landscape maintenance, irrigation, and tree care, often under outdoor conditions. We are committed to worker safety and support reasonable, effective measures to mitigate heat risks.

NALP respectfully submits the following comments in opposition to the proposed rule titled Heat Illness and Injury Prevention under 11.5.7 NMAC, issued by the New Mexico Environment Department (NMED). We appreciate the department's commitment to protecting workers from heat-related hazards; however, we are concerned that the proposed rule imposes extensive and impractical requirements that may not achieve the intended improvements in occupational safety. We find the proposed rule to be overly prescriptive, operationally burdensome, and lacking the flexibility necessary to address the wide range of working environments and employment practices in the landscape industry.

The rule mandates rigid acclimatization schedules and significantly limits the duration of work during an employee's first days on the job (e.g., only 20% of typical work on day one). This approach is incompatible with the seasonal nature of our workforce, where temporary or part-time workers may be onboarded weekly during peak summer months. Mandating graduated work exposure over multiple days for each new or returning employee imposes a continuous operational disruption that can be most burdensome to smaller operations.

The proposed rule also includes a requirement for employers to maintain five years of records related to heat acclimatization, training rosters, and all heat-related incidents, including minor cases that only require first aid. These documentation demands are disproportionately burdensome for small and seasonal businesses that already operate under tight administrative resources. Moreover, the requirement to log heat index levels and correlate them with worksite conditions for every incident introduces an impractical level of complexity.

A single statewide standard does not adequately accommodate variations in geography, work intensity, duration of exposure, or available mitigation options. The rule fails to provide pathways for employers to tailor prevention plans based on site-specific risk assessments or alternative compliance strategies that may be equally or more effective than those prescribed. This "one-size-fits-all" model ignores the practical realities of field-based industries.

Elements of the proposed rule duplicate provisions already covered under federal OSHA's general duty clause and existing standards for first aid, emergency medical services, and training. Imposing parallel state mandates introduces confusion and administrative redundancy, particularly for companies operating across state lines.

In closing, while NALP supports the goal of reducing heat-related illnesses and injuries, we believe the proposed rule is unnecessarily rigid, difficult to implement, and not aligned with the operational realities of the landscape industry. We respectfully urge the New Mexico Environment Department to reconsider the rule in its current form and instead pursue a more flexible, risk-based framework that empowers employers to develop effective, tailored heat safety programs.

We welcome continued dialogue with the Department and stand ready to collaborate on workable solutions that prioritize both worker safety and business viability.

Sincerely,

A handwritten signature in black ink that reads "Terence Stovall". The signature is written in a cursive, slightly informal style. Below the signature is a horizontal line.

Terence Stovall

Manager, State and Local Affairs