



May 9, 2025

New Mexico Environmental Department

Environmental Improvement Board

RE: EIB 25-11(R) - New Regulation, 11.5.7 NMAC – Heat Illness and Injury Prevention

To the Honorable Chair and the members of the Environmental Improvement Board,

I am writing to express my opposition to the proposed rule EIB 25-11 (R) - 11.5.7 NMAC, which aims to establish standards related to employees' occupational health and safety to prevent heat illnesses and related injuries. While the intention behind this regulation is commendable, its implementation would be detrimental to the energy and construction sectors for several reasons.

**Logistical Challenges:** The oil and gas industry operates in diverse and often remote locations where environmental conditions can be extreme. Implementing the proposed rule would require significant logistical adjustments, including the provision of additional cooling systems, shaded areas, and frequent breaks for workers. These changes would disrupt operational workflows and increase downtime, affecting productivity and efficiency. The industry already employs best practices to mitigate heat-related risks, such as scheduling work during cooler parts of the day and providing adequate hydration and rest periods.

**Legal Implications:** The proposed rule introduces stringent requirements that may conflict with existing federal regulations and industry standards. Compliance with multiple overlapping regulations can create legal ambiguities and increase the risk of litigation. The oil and gas sector is already subject to comprehensive safety regulations under the Occupational Safety and Health Administration (OSHA), which include measures to protect workers from heat-related illnesses. Adding another layer of regulation could lead to confusion and inconsistent enforcement, ultimately undermining the effectiveness of existing safety protocols.

**Economic Impact:** The economic burden of implementing the proposed rule would be substantial. The oil and gas industry is critical to the state's economy, providing jobs and generating revenue. The additional costs associated with compliance, such as purchasing new equipment, modifying infrastructure, and training personnel, would strain financial resources and potentially lead to higher operational costs. These expenses could result in reduced investment in other areas, such as technological innovation and environmental sustainability initiatives, which are essential for the industry's long-term viability.

**Burden and Attainability:** The proposed rule sets forth burdensome and, in some cases, almost unattainable requirements. For instance, maintaining specific temperature thresholds in outdoor work environments is impractical given the variability of weather conditions. The industry is already doing its

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best to accommodate best work practices under current standards, which include comprehensive heat illness prevention programs. These programs are designed to be flexible and adaptive to oil and gas operations' unique challenges.

In conclusion, while the goal of protecting workers from heat-related illnesses is important, the proposed rule EIB 25-11 (R) - 11.5.7 NMAC would impose significant logistical, legal, and economic challenges on the energy and construction sectors. I urge the Environmental Improvement Board to reconsider this regulation and work collaboratively with industry stakeholders to develop more practical and attainable solutions that enhance worker safety without compromising operational efficiency and economic stability.

Thank you for your attention to this matter, and I hope you will take these concerns into serious consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Pat G. Lucero Jr.", is positioned above the printed name.

Pat G. Lucero Jr

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