

250 El Pueblo Rd NE
Albuquerque, NM 87113
(505) 898-9627
Fax (505) 898-0805
Toll Free 877-905-6432
www.plantworldinc.com



Accounting Office
250 El Pueblo Rd NE
Albuquerque, NM 87113
(505) 254-1133
Fax (505) 254-1384

5/30/2025

Dear Members of the Environmental Improvement Board,

Thank you for the opportunity to comment on the proposed Heat Illness and Injury Prevention Rule. At **Plant World, Inc.**, we are a locally owned, long-standing small business in **Bernalillo County**, serving as both a **retail and wholesale nursery** supplying plant material across New Mexico. Our work is critical to the region's landscaping industry, municipalities, and homeowners. We appreciate and share your goal of protecting the health and safety of workers, especially in the face of increasing heat risk in our region.

Our team includes experienced nursery professionals, horticulturists, and seasonal staff, many of whom work outdoors among trees, shrubs, grasses, and perennials—living products that require daily care regardless of temperature extremes. We currently implement thoughtful procedures to promote heat safety, including:

- Providing free, cool drinking water throughout the nursery
- Encouraging hydration breaks and checking in with staff during peak heat hours
- Offering shaded rest areas and fans in both covered and indoor work zones
- Adjusting shift start times during the hottest months
- Training staff on signs of heat illness and when to report symptoms

However, we are writing to express **serious concerns** about the **overly rigid and highly prescriptive aspects** of the proposed rule—particularly regarding **mandated paid rest break schedules and uniform acclimatization protocols** that are not easily adaptable to the dynamic, seasonal, and task-diverse nature of our industry.

Key Concerns

1. "One-Size-Fits-All" Break Mandates

The rule as written applies break schedules uniformly across general industry, agriculture, construction, and convenience stores. While well-intentioned, this approach does not reflect the **real-world diversity of job roles** or the operational rhythms of different sectors.

In a plant and tree nursery, tasks vary significantly—from light clerical duties indoors, to heavy unloading of trucks, to intermittent watering rounds or customer assistance. Applying the same break schedules to all of these roles, particularly when the **heat index crosses a single threshold**, is neither efficient nor necessary in all cases.

Furthermore, our staff typically prefer to **self-pace** and rest naturally between tasks. Forcing all employees to follow set break intervals may actually **interrupt productivity, reduce morale, and negatively impact plant health**, as well as customer service.

2. Impact on Perishable, Living Inventory

Our products—trees, annuals, and perennials—are **living organisms that must be watered, shaded, or moved during peak heat conditions**. Missing even a single day of scheduled care can result in **irreversible product loss**, especially during July and August. The inability to temporarily shift schedules, or delay breaks for key crews during watering or transplanting operations, could result in **thousands of dollars in inventory loss**—an impact most small nurseries cannot absorb.

3. Staffing Flexibility During Short-Term Heat Spikes

Unlike large corporations, small businesses like ours cannot easily bring in additional workers or split teams to meet fluctuating break requirements based solely on a daily heat index. New Mexico weather can spike for short durations, making **mandatory rest periods based on short windows of peak temperature** infeasible without major business disruption.

A Path Forward: Industry-Informed Flexibility

We respectfully request that the Environmental Improvement Board **re-evaluate portions of this rule** and consider working with industry-specific groups—including nurseries, landscapers, agricultural businesses, and independent retailers—to tailor practical, effective solutions.

We support the **goals** of the rule, but urge the Department to:

1. **Allow Alternative Break Schedules** – Permit small businesses to implement **custom break/rest programs** that reflect job roles, employee feedback, and operational needs, so long as they are demonstrably effective in preventing heat illness.
 2. **Include a Small Business Exemption or Modified Standard** – Provide **tiered compliance options** for businesses under a certain size or headcount.
 3. **Permit Operational Discretion During Perishable Care Tasks** – Offer flexibility in break enforcement during **time-sensitive, product-saving work**, such as irrigation or plant relocation, unloading shipments, and customer service, during heat waves.
 4. **Support Industry-Specific Guidance Development** – Facilitate partnerships between NMED and industry associations to create **sector-specific toolkits**, rather than one rigid standard for all workplaces.
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We believe there is a way to **achieve the shared objective of protecting worker health without endangering the survival of New Mexico's small, plant-based businesses**—businesses that, like ours, have provided employment and greenery to our community for decades.

We thank you again for your attention and invite continued dialogue to ensure a rule that **safeguards employees, honors New Mexico's climate and culture, and respects the viability of local business.**

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Erickson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mike Erickson
President/Owner
Plant World, Inc.
Albuquerque, New Mexico