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

RE: Public Comment on Proposed Rule 11.5.7 NMAC – Heat Illness and Injury Prevention

**Dear Chair Suina and Bureau Chief Peck:**

Thank you for the opportunity to comment on the proposed Heat Illness and Injury Prevention rule by the New Mexico Environment Department's Occupational Health and Safety Bureau. On behalf of our member municipalities across the state, the New Mexico Municipal League has concerns regarding the proposed rule's implications for public safety employees—law enforcement officers, firefighters, and other emergency service personnel—and the potential for broader unintended consequences on overall public safety.

While the rule includes an exemption for certain “emergency response operations,” this exemption is too narrowly defined to capture the full scope of police, fire, and EMS responsibilities. Public safety employees do not merely respond to emergency situations; they engage in continuous protection and emergency readiness. Many of these non-

emergency acts require a consistent and visible presence outdoors regardless of environmental conditions.

For example, law enforcement officers may be required to provide security and protection for extended outdoor events or respond to rapidly evolving situations. These functions do not neatly fit within the current definition of “emergency response” and would thus be likely constrained by the rule’s mandates for rest breaks and heat index thresholds, potentially compromising both officer readiness and public safety.

Additionally, fire and law enforcement academies must prepare cadets for the extreme physical and mental conditions they will encounter in real-world emergencies. These training regimens intentionally simulate high-stress, heat-intensive environments to build resilience and readiness. Under the proposed rule, these realistic training scenarios would be curtailed or rendered noncompliant due to regulated work/rest cycles or heat exposure thresholds. This would ultimately reduce the preparedness of public safety professionals, and by extension, place the public at greater risk.

We share your goal of protecting employees from heat-related risks, but this rule, as currently proposed, does not adequately reflect the critical and unpredictable nature of public safety professions. Without revisions, it may diminish operational readiness, disrupt essential services, and expose communities to avoidable risks. We encourage NMED to reevaluate the rule’s applicability to police, fire, and EMS personnel and to pursue a more flexible, operationally grounded approach.

Thank you for your consideration.

Respectfully,

Alison Nichols

Director of Policy, New Mexico Municipal League