



May 12, 2025

Environmental Improvement Board
c/o New Mexico Environment Department
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

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

Dear Members of the Environmental Improvement Board,

On behalf of EndeavorOR New Mexico, the Outdoor Recreation Business Alliance, we appreciate the opportunity to submit public comment regarding Proposed Rule 11.5.7 NMAC on Heat Illness and Injury Prevention.

EndeavorOR is a member-driven association of outdoor product developers, experience providers, and businesses working together to strengthen the outdoor recreation industry in New Mexico. We represent a diverse range of outdoor recreation businesses across the state—from guided rafting, biking, and hunting outfitters to trail stewards, and camp operators. Together, these businesses power a vital sector of New Mexico's economy, supporting thousands of jobs, enhancing rural prosperity, and promoting health and environmental stewardship.

We share your commitment to protecting workers from heat-related illness and injury. However, we respectfully submit that the rule as currently proposed, while well-intentioned, would have disproportionate and impractical impacts on our industry. We urge the Board to consider revisions that account for the unique realities of seasonal, mobile, and small-scale outdoor operations.

1. Operational Realities in the Outdoor Recreation Sector

Unlike fixed-site industries, many of our members operate in remote or backcountry settings with transient teams, seasonal staffing models, and minimal infrastructure. Requirements such as continuous heat index monitoring, documented acclimatization schedules, and the establishment of fixed cooling zones are often infeasible in field-based environments such as river expeditions, guided hikes, or dispersed campsite programs. These operations already emphasize hydration, safety briefings, shade planning, and rest pacing as a matter of business survival, guest experience, and employee wellbeing.



2. Impacts on Small Businesses and Seasonal Employment

Many EndeavOR members are small businesses with limited year-round staffing and lean margins. The administrative burden of documentation, record retention, and personnel monitoring—including five-year logs of acclimatization schedules for short-term staff—could divert already scarce resources from actual field safety investments. Moreover, the acclimatization protocols conflict with the short onboarding windows of seasonal employment, where staff must be ready to work safely but efficiently within limited timeframes.

3. Geographic and Environmental Variability

While the use of the heat index accounts for some environmental variation, the proposed rule still applies uniformly to all outdoor work environments without regard to operational context, topography, or terrain. For example, high alpine trail work in Taos versus a river outfitting operation near Truth or Consequences present distinct logistical challenges and safety strategies. A single, inflexible standard risks both overreach and underprotection.

4. Existing Culture of Risk Management and Safety

The outdoor recreation industry is deeply rooted in a proactive risk management ethos. Our guides, crew leaders, and outfitters are trained to manage dynamic environmental hazards, including heat exposure. Many employers already incorporate heat-related protocols, such as pre-trip safety talks, mandatory water breaks, and client/employee observation systems. Imposing blanket mandates without flexible, field-adaptable pathways may penalize effective existing practices.

5. Recommendations

We respectfully request the Environmental Improvement Board consider the following:

- Carve-outs or tailored compliance options for mobile, remote, and seasonal outdoor operations.
- Allowance for equivalent safety practices in lieu of prescriptive mandates, with emphasis on outcomes rather than methods.
- Reduced or alternate recordkeeping expectations for employers with fewer than 20 employees and/or seasonal-only operations.
- Postpone the rulemaking process for at least six months to allow time for the creation of a collaborative working group with representatives from outdoor recreation, agriculture, and other mobile industries to refine the rule's applicability.

We support the goal of ensuring all New Mexico workers are protected from heat-related risks. We believe this can be accomplished through a more flexible, targeted, and



collaborative regulatory approach that uplifts rather than burdens the outdoor recreation economy.

Thank you for your consideration of these comments.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Lopez", with a long, sweeping horizontal line extending to the right.

Davin Lopez
Chairman, Board of Directors
EndeavOR New Mexico
www.endeavornm.org