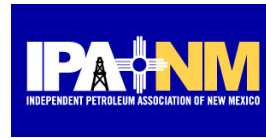




American
Petroleum
Institute



May 30th 2025

**New Mexico Environmental Department
1190 S. St. Francis Drive
Santa Fe, NM 87505**

To Whom It May Concern-

The New Mexico Oil and Gas Association (“NMOGA”), along with The American Petroleum Institute (“API”), Independent Petroleum Association of New Mexico (“IPANM”), and the Permian Basin Petroleum Association (“PBPA”) appreciate the opportunity to submit comments in response to the Occupational Health and Safety Bureau (“Bureau”) within the Environmental Health Division of the New Mexico Environment Department’s request for the adoption of proposed new regulation **11.5.7 NMAC- Heat Illness and Injury Prevention**.

NMOGA is an association of oil and natural gas companies, individuals and stakeholders who are dedicated to promoting safe and environmentally responsible oil and gas development in New Mexico. NMOGA represents over 200 member companies within the state.

API represents all segments of America’s oil and gas industry, which supports nearly 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. Our approximately 600 members produce, process, and distribute the majority of the nation’s energy. API’s mission is to promote safety across the industry globally and to influence public policy in support of a strong, viable, and safe U.S. oil and gas industry.

IPANM advances and preserves the interests of independent oil and gas producers while educating the public to the importance of oil and gas to the state and all our lives. In the spirit of that tradition, IPANM continues to grow and provide the services that protect, defend, and promote the industry that is the very foundation of our way of life. Our members are proud, independent, loyal, and hardworking.

PBPA is a regional oil and gas association, representing the men and women who work in the oil and gas industry in the Permian Basin of West Texas and Southeastern New Mexico. The Permian Basin is the largest inland oil and gas reservoir and the largest oil and gas producing region in the United States. PBPA consists of the largest producers as well as the smallest

operators and service providers in the Permian Basin. Part of the PBPA's mission is to promote environmentally conscious operations and sustainable economic profitability among all our members, large and small.

The undersigned organizations- are industry standard setters and have helped to develop hundreds of standards to enhance operational safety, efficiency, and sustainability in the oil and gas industry.

Our members support reasonable, transparent regulations to help ensure the safety of all and believe that a thorough stakeholder engagement process is vital to developing such critical standards. What is currently proposed in this rulemaking cannot be undertaken lightly and must include input from Industry and all impacted stakeholders.

The proposed rule would have significant impacts on the oil and gas industry, an industry that already has standards in place to help ensure that the health and safety of all employees is top priority as it relates to heat illness and injury prevention.

As written, we oppose the proposed rule and appreciate consideration of these comments as the Bureau proceeds with the rulemaking process if a rulemaking is deemed necessary. We believe that if meaningful stakeholder outreach and engagement is undertaken the Bureau will have an opportunity to understand how the oil and gas industry already successfully manages the risk of heat-related illness today and has been for decades.

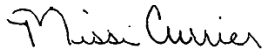
Please consider the following concerns:

- Instead of a one-size-fits all, prescriptive approach, our members believe a flexible and risk-based approach that accounts for an organization's unique operational, and workforce needs best addresses the serious threats associated with extreme heat. Furthermore, our collective members believe that:
 - Mitigations measures and requirements that work best for the oil and gas industry may not work best for other industries.
 - Better integration and alignment are needed with the proposed Occupational Safety Health Administration ("OSHA") Standard.
 - A state rule that has engaged ALL impacted industries and is pursued on a timeline that isn't rushed is preferred.

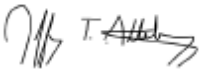
- Members have expressed concern about the following components within the proposed rule:
 - Temperature thresholds – The 80-degree heat index trigger is too low. Around 60% of the days in the Permian Basin exceed this threshold. There are additional concerns regarding the added heat index values accounting for full and partial sunlight.
 - Acclimatization (both for new and returning workers) – The proposed rule is not in alignment with the proposed OSHA rule specifically for returning workers.
 - Both rules impose burdensome requirements and the inconsistency in scheduling could pose a risk to overall facility safety from a process standpoint.
 - Hydration Requirements – Requiring 8 oz of fluids every 15 minutes is excessive and infeasible, however it is reasonable that employers can have fluids available for individual consumption as individual employee needs vary.
 - Personal Risk Factors – These personal identifiable and confidential information should never be disclosed within heat exposure assessments.
 - General ambiguity within the rule:
 - For example, Table 3 of the proposed rule does not adequately define light work, moderate work, and heavy work.
 - Additionally, members would like to better understand the dataset utilized in the NMED News release dated March 14 that states “*The New Mexico Department of Health reported there were over 800 heat-related emergency room visits in 2024.*”
 - Have heat-related emergency room visits gone up per capita for the workforce or in comparison to hours worked, taking into consideration increases in the number of employees in the workforce?
 - Have additional variables been scientifically ruled out in making determinations as to the reason(s) for the increase in heat-related emergency room visits? And, if so, will that scientific research be made publicly available?

The undersigned share the Bureau's desire to reduce incidents of heat injury and illness in the workplace. We strongly urge the Bureau to take the time needed to engage with stakeholders and all industries so that the rulemaking process is transparent and inclusive of all critical information needed to successfully ensure all NM workers are safe.

Sincerely,



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