May 23, 2025

Subject: GACC opposition to NMAC 11.5.7 Heat Illness and Injury Prevention Regulation

Dear Environmental Improvement Board Commissioners,

Thank you for the opportunity to comment on the Proposed Regulations for Heat Illness and Injury Prevention Regulations that you will consider at your July 2025 meeting.

The Greater Albuquerque Chamber of Commerce opposes the regulations as written for the following reasons:

1. It is unnecessary as employees are already protected from heat-related hazards via OSHA’s General Duty Clause.
2. It will negatively affect virtually every economic sector and industry in our state, from construction, agriculture and oil and gas to bakeries and laundromats, delivering serious roadblocks to our state’s urgent need for good jobs, housing and infrastructure while raising prices exponentially.
3. There are reasonable, common-sense provisions to ensure workplace safety that can be implemented, from hydration and shade stations to safety briefings and trainings, many of which are currently in practice by most businesses.

We all know that New Mexico struggles to be competitive with other states, so we shouldn't make the problem worse. Setting extreme, arbitrary, one-size-fits-all break requirements of 40 to 45 minutes of every hour simply makes everything from pouring concrete to baking a wedding cake impossible – or impossibly expensive. Mandating irregular shifts and extended hours to avoid temperature thresholds in fact negatively affects the mental health, child care and family responsibilities of the workforce this regulation is trying to protect.

While no doubt well intended, NMAC 11.5.7 will in actuality hurt businesses, consumers and employees. A closer look reveals it violates an immutable law: the law of unintended consequences. We ask you to vote ”no” on this regulation as written.

Thank you,

Sincerely,

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Del Esparza

Chairman of the Board

Greater Albuquerque Chamber of Commerce

Terri Cole

President and CEO

Greater Albuquerque Chamber of Commerce