

Brian Loughridge

I am a contractor and business owner. I have worked in Civil Construction for the past 35 years. I have work in the field on various job categories from Labor, Equipment Operators, Surveyor, & Project Manager. Our company works hard to ensure our employees have the tools and equipment necessary to work in a very hazardous and fluid environments. Our employees constantly communicate with management about safety and health related concerns and issues experienced in the field. Not once have we had an employee tell us the temperature is causing them harm. Since we have become aware of this proposed heat illness and prevention rule we have talked to our employees about the rule and the requirements it would impose should it be implemented. All of them have stated "What are they trying to solve, there is not a situation where heat is causing harm." Many have expressed concern as to how are we supposed to get the job done if we're required to break up to 2/3 of the workday.

For your information our company spends approximately \$3000 / month on pallets of water to provide to our employees. We also provide them with electrolytes drink packets as well as pickle juice shots. Should an employee feel dehydrated they can request and are granted a break to rehydrate. All our employees consume lots of water and take the supplements we provide them. During the workday breaks are taken in-between load deliveries and a typical lunch break. During one of the stakeholders meetings, you commented that those who showed up to discuss this proposed rule were the "good" actors and this rule is designed to correct the bad actors. I have worked with hundreds of contractors in my career, and never have I experienced or been made aware of employers not allowing their employee to take rest breaks or provide them with proper equipment that resulted in a heat related injury. Instead of forcing all industry in New Mexico to comply with a draconian rule that will all but shut down the productivity of our industry lets focus on enforcing the existing OSHA rules providing education to the industry about best practices to mitigate heat illness.

I am encouraging you to take a step back from deciding on this rule and set up a working committee with Government, Private Sector, labor - business owner, employees, etc... who can take a much more measured approach to develop a realistic rule that is designed to actually solve something. There is not a Heat Illness Issue! The statistics prove this: of 36 million works nationally Federal OSHA listed 40 heat related fatalities, that is a percentage too small to calculate. NMED lists 52 heat related emergency room visits that were work related during summer months. 52 out of thousands of workers does not indicate there is a heat illness pandemic that needs draconian action to solve. The solution this rule proposes is basically to stop working. It is imperative that you listen to and take the comments of the community and industry seriously. We are the ones on the front line working every day. We know what is impacting the health of our employee and heat illness is not something even remotely being considered as a concern.

I recognize the importance of protecting our NM workforce. Without NM works business and commerce in our state would cease to exist. I can also recognize that temperatures exceeding 100+ degrees can become dangerous if certain measures are not exercised to prevent dehydration and overheating, however our state has a handful of days that temperatures exceed 100+. Again, I urge

you to listen to industry and work together to focus on a rule that addresses days where temperature is truly dangerous and not a specific-based standard to dictate what is dangerous on paper when it is definitely not.

Finally at the state holders meeting you were asked if an economic impact study was conducted based on the potential effects of this rule implementation. The answer given is there was not an economic impact study performed because you are not required to perform one. How can you consider a rule that will fundamentally impact all industry in our state and not take into serious consideration the economic impacts it will have. This rule will shut down all construction in our state. Progress will minimize to the point that projects could take up to 300% more time to complete and triple or quadruple in cost. Something else to consider is that the NM workforce is finite. There are not enough viable employees to add to companies' staff to make up for the loss in productions that would result due to this rule's requirement. That means work will come to a stop!

One-Size-Fits-All Doesn't Work: Applying the same standard across diverse industries and regions ignores the unique conditions and safety controls already in place on New Mexico's construction sites.

I urge the Environmental Improvement Board to reject this sweeping mandate. A more effective approach would focus on flexible, industry-informed solutions and incentive-based compliance strategies that support both worker safety and project viability.