

# Gallup McKinley County Chamber

On behalf of the Gallup McKinley County Chamber of Commerce, I write to express our strong objection to the proposed rule on occupational heat illness and injury prevention submitted by the New Mexico Environment Department's Occupational Health and Safety Bureau.

While the Chamber fully supports the goal of protecting workers and promoting safe work environments, we are concerned that this proposed rule—as currently written—imposes sweeping, burdensome mandates that will disproportionately impact small and rural businesses, especially those in industries such as construction, manufacturing, logistics, and tourism that are vital to the economy of Northwest New Mexico.

## Key Concerns:

### 1. Arbitrary and Broad Heat Index Thresholds (80°F):

Requiring employers to initiate assessments and implement control measures at heat indices as low as 80°F is not reflective of the regional climate or common working conditions. In Gallup and many parts of the state, 80°F is a routine summer temperature. This threshold would classify normal operating conditions as high-risk, unnecessarily complicating day-to-day business operations.

### 2. Overly Prescriptive Acclimatization Schedules:

The phased work requirements and observation mandates for new or returning employees, although well-intentioned, place an unrealistic administrative burden on businesses with high turnover or seasonal staff. This could inadvertently limit hiring and workforce reintegration.

### 3. Costly and Logistically Challenging Break and Cooling Area Mandates:

Mandatory shaded or mechanically cooled rest areas that accommodate all employees may be logistically unfeasible, particularly for mobile work sites or small employers operating in rural or undeveloped locations. Additionally the 20 minutes of work and 40 minutes of rest rule, would more than double labor costs, creating significantly negative long-term economic impact on virtually every program or project across the state. For many, this will require major capital investment or cause work stoppages.

### 4. Recordkeeping and Monitoring Requirements:

The proposed rule includes extensive documentation, monitoring, and retention obligations (up to five years), which add significant compliance costs without clear evidence of improved safety outcomes. This level of regulation is particularly difficult for small businesses that lack HR departments or compliance officers.

### 5. Potential for Disruption Without Flexibility:

The rule lacks flexibility for job-specific, regional, or seasonal considerations, and does not account for differences in industry practices, voluntary safety programs, or technological solutions already in use.

## Call to Action:

We respectfully urge the Environmental Improvement Board to reconsider or substantially revise the proposed rule to:

Raise the threshold temperature to a level more reflective of actual health risk.

Allow greater flexibility in implementation for small and rural businesses.

Create exemptions or tiered requirements for mobile or low-risk environments.

Consider aligning more closely with existing federal OSHA guidance rather than creating an overly broad state-level mandate.

The Chamber is committed to collaborating on practical policies that safeguard worker health without jeopardizing economic viability or adding disproportionate burdens to our employers. As written, this proposal risks doing more harm than good to New Mexico's working families and business community.