

Allie Moore

To briefly introduce myself and provide context as to my knowledge about the subject of this proposed regulation, I work for a small, Albuquerque-based contractor with 22 New Mexico employees representing approximately 38,000 covered employee hours annually. We have provided construction services on Public Works projects in New Mexico for 40 years. In four decades, we have never experienced a heat stress-related incident or injury. Based on my personal and professional experience, I implore NMED to fully understand the data inciting this policy action and determine if it is reliable and linked by causation (not correlation) to the New Mexico workforce.

If the answer to the above is without question "yes," my second comment is to ensure provisions are entered into the policy that provide definitions and directions to other jurisdictions and agencies with policies destructive to economic development in New Mexico when combined with the proposed NMED policy. Some examples: 1) The City of Albuquerque, Environmental Department Sound Ordinance for Construction: Without allowances for overnight construction operations (currently prohibited by the sound ordinance), construction/renovations/maintenance/landscaping/roadwork/utility work/repairs would be limited in the months of May, June, July, August, September, and October; and 2) Public Works procurement policy includes provisions for "reasonable" liquidated damages. Due to the unprecedented nature of this NMED policy, there are no industry case studies on production losses and therefore no data available to quantify what is "reasonable" for assignment of liquidated damages in Public Works contracts.

Finally, if the answer to the presented data question is "yes," I encourage NMED to consider compliance opt-ins with members of industry instead of a blanket, administrative requirement across all parties. New Mexico has been a proponent of "Government-Industry Relationships" or "Public-Private Partnerships" for over a decade now (reference HB534, NM Stat § 21-8-44, HB192, HB276, and so on). Please consider options for industry to work in partnership with NMED to meet the intent of this policy without requiring an undue administrative burden on the companies, agencies, and organizations employing New Mexico's oil workers, ranchers, police officers, mailmen, landscapers, airmen, waste managers, biologists, school crossing guards, special events workers, movie industry set workers, and construction workers.

Thank you for your consideration.