

Associated Builders and Contractors New Mexico

On behalf of ABC New Mexico and its members across the construction and skilled trades industries, I am writing to express our significant concerns and formal opposition to the proposed Heat Stress regulations under consideration by the New Mexico Occupational Health and Safety Bureau (NM OSHA).

While we fully support measures to ensure the safety and well-being of workers in high-heat environments, we believe the proposed rules—as currently written—would result in severe unintended consequences for employers, employees, and the overall economy. These consequences include substantial economic burdens, unworkable operational constraints, exacerbation of existing labor shortages, and serious mental health impacts tied to night work.

Economic and Operational Burden

The proposed requirements for mandatory cool-down periods, shaded rest areas, acclimatization protocols and administrative protocols while well-intended, would dramatically increase operational costs, especially for small and mid-sized contractors. Construction schedules are often compressed due to seasonal weather, contractual deadlines, and site-specific constraints. Forcing regular work stoppages during peak heat hours will result in extended project timelines and missed contractual deadlines and increased costs due to idle equipment, lost productivity, and additional labor hours. Industries such as construction, agriculture, and oil & gas that operate outdoors year-round will be disproportionately affected, jeopardizing jobs and infrastructure development statewide.

Labor Force Shortages

The skilled labor shortage in New Mexico is already at crisis levels, with employers struggling to fill vacancies for essential roles. Mandating work-hour shifts to early mornings or evenings to avoid heat exposure will only intensify this problem. Many workers have family responsibilities, and transportation limitations and that prevent them from working non-traditional hours. The proposed rules could drive current workers out of the trades altogether due to unmanageable schedules and deter new entrants, especially women and caregivers, who rely on daytime hours to balance work and life.

Mental Health Risks of Night Work

Night work as a heat mitigation strategy introduces a new set of hazards, especially mental health concerns. Numerous studies have shown that prolonged night shifts contribute to higher risks of depression, anxiety, and sleep disorders. Increased fatigue leads to accidents, both on-site and while commuting. Social isolation and strain on family life, particularly for parents and caregivers. By pushing work into nighttime hours, NM OSHA may inadvertently create a broader public health issue while trying to solve a specific one.

Recommendations

We strongly urge NM OSHA to reconsider the proposed rule in its current form. Instead, we advocate for flexible guidelines that allow employers to implement heat-stress controls tailored to their work environments and collaboration to develop practical, data-driven policies with broad stakeholder input.

Worker safety is a shared priority—but regulations must be achievable, balanced, and consider economic realities. We are eager to work with NM OSHA to develop standards that both protect workers and sustain the industries that employ them.

Thank you for considering our perspective.



New Mexico Occupational Health and Safety Bureau

New Mexico Environment Department

525 Camino de los Marquez, Suite 3

Santa Fe, NM 87502

Subject: **Opposition to Proposed Heat Stress Rules**

Dear New Mexico Occupational Health and Safety Bureau,

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Carla Kugler
President & CEO
Associated Builders and Contractors New Mexico