

Scott's Fencing Co. Inc.

RE: Opposition to Proposed Heat Stress Regulations

I am writing to express our concern and opposition to the proposed heat stress regulations under consideration by the New Mexico Occupational Health and Safety Bureau.

We recognize and share your commitment to protecting the health and safety of workers, especially given the high temperatures our crews regularly face during summer months. However, as an employer on the front lines of construction jobsite operations, we believe the proposed regulations, while well-intentioned, impose significant operational and economic burdens that may ultimately hinder—not help—worker safety.

The proposed rules appear to mandate specific rest break schedules, water provisions, shaded recovery areas, and administrative controls without flexibility to account for the varied nature of construction job sites. Each project varies in scope, location, and staffing. A one-size-fits-all mandate is difficult to apply safely and effectively across the range of real-world conditions.

Additionally, rigid break schedules that don't account for workflow and productivity patterns could result in extended project timelines, leading to financial strain for contractors, clients, and workers alike.

Mandated downtime, shade structure installation, and compliance documentation represent significant costs, particularly for small to mid-size contractors. Many in our industry are already struggling with labor shortages, inflation, and supply chain disruptions. Adding over-regulation in this area could create legal liability confusion, increase insurance premiums, and result in enforcement actions that do not consider good-faith safety efforts.

Our company actively promotes heat safety through training, provision of water and electrolyte replacement, heat acclimatization practices, and flexible break policies tailored to conditions on-site. We believe these voluntary, industry-driven best practices are more effective than prescriptive rules in keeping our workers safe and productive.

We urge New Mexico OSHA to work in partnership with industry stakeholders to revise these proposed rules into a framework that sets achievable safety goals while allowing flexibility in implementation. Input from contractors, field supervisors, and trade associations will help create policy that is both effective and practical.

We respectfully request that the current proposal be reconsidered or amended based on meaningful dialogue with the commercial construction community.