New Mexico Association of Counties

Please see the attached submission on behalf of New Mexico Association of Counties. If you have any questions, contact Executive Director Joy Esparsen at (505) 660-9629 or via email at jesparsen@nmcounties.org.

May 29, 2025

New Mexico Environment Department
Occupational Health and Safety Bureau
Harold Runnels Building
1190 St. Francis Drive, Suite N4050
Santa Fe, NM 87505

RE: EIB 25-11 (R)- Proposed New Regulation 11.5.7 NMAC- Heat Illness
and Injury

Dear Occupational Health & Safety Bureau:

On behalf of the Board of Directors of New Mexico Counties, a non-profit,
non-partisan organization representing all 33 counties in our state, I write
to express significant concerns regarding the proposed Heat Illness and
Injury Prevention Rule (11.5.7 NMAC) scheduled to take effect on July 1,
2025. While we recognize and share the goal of protecting workers from
heat-related illnesses and injuries, we respectfully request that the Board
postpone implementation of the rule to allow for further dialogue,
clarification, and revision to address the unique operational challenges
faced by county public works departments.

Key Concerns from Counties

1. Operational and Logistical Burden
County public works departments operate in geographically dispersed and
resource-constrained environments. Complying with the proposed
requirements—such as developing site-specific written plans, conducting
heat index-based assessments, monitoring employee acclimatization, and
providing shaded cooling areas and hydration resources across multiple
remote job sites—will require a substantial investment of time, training,
and infrastructure that many counties are currently unprepared to meet.

2. Budgetary Impact
The rule's mandates—particularly those regarding hydration equipment,
cooling stations, and expanded rest break requirements—impose new
costs that are not currently funded by state or federal sources. This places
a disproportionate burden on rural and under-resourced counties already
managing tight budgets and critical infrastructure needs.

3. Ambiguity and Administrative Complexity
The rule includes several technical and procedural requirements that are unclear in their application, such as how to verify and document "equally effective" cooling alternatives or determine "personal risk factors." Without additional guidance, counties risk unintentional non-compliance and increased liability.

4. Workforce Management Challenges
Mandated acclimatization schedules, buddy systems, and new training programs will require counties to adjust work schedules and staffing models, which may reduce service delivery, particularly in smaller departments with limited personnel.

Request for Postponement and Collaboration
Given the scale and scope of these impacts, we strongly urge the Environmental Improvement Board to:

- **Postpone the effective date** of the proposed rule to allow additional time for county governments to prepare and plan for compliance.

- **Engage directly with county risk managers and public works leaders** through a stakeholder working group to address implementation challenges and identify workable, field-tested solutions.

- **Provide model templates, training materials, and financial assistance guidance** to assist counties with compliance once the rule is finalized.

New Mexico Counties is committed to ensuring safe working conditions for all county employees, and we welcome the opportunity to collaborate with NMED and the Board to improve the proposed rule in ways that uphold its safety goals while recognizing the realities of local government operations.

Thank you for your consideration, and we respectfully request your leadership in supporting a thoughtful and inclusive approach to implementing this important regulation. If you have questions regarding our submission, please contact Executive Director Joy Esparsen at (505) 660-9629.

Sincerely,

President
New Mexico Counties

Executive Director
New Mexico Counties