

New Mexico Environment Department  
Occupational Health and Safety Bureau

**RE: Opposition and Recommendations Regarding EIB 25-11(R) – Proposed Regulation 11.5.7 NMAC: Heat Illness and Injury Prevention**

Dear Members of the New Mexico Occupational Health and Safety Bureau,

Bradbury Stamm Construction, Inc. has proudly built New Mexico for over a century, working hand in hand with the people of this state. Our commitment to delivering high-quality projects is matched by our dedication to the safety and well-being of our employees and subcontractors.

Over the past five years, we have maintained an average workforce of 250 employees and partnered with numerous subcontractors sometimes exceeding 750+ workers on our jobsite in a given day. We are proud to report zero heat illness-related injuries during that time. This outcome is the direct result of our proactive and comprehensive **Safety Passport™ program**, which includes **Safety Directive #28**—our internal policy focused exclusively on heat illness prevention. This directive mandates project-specific planning and ensures the availability of training, shaded rest areas, cooling towels, ample hydration, and rest breaks as conditions require.

While we support the intent behind the proposed regulation, we respectfully oppose its current form. The prescriptive, specification-based approach fails to account for the diversity of industries, work environments, and climates across New Mexico. A rigid, one-size-fits-all standard could unintentionally jeopardize worker well-being and project continuity.

**Key Concerns with the Proposed Rule:**

- **Rigid scheduling mandates** may interfere with workers' sleep patterns, mental health, family responsibilities, and educational goals.
- **Increased staffing requirements** may reduce available work hours for existing employees, potentially leading to financial hardship.
- **Prescriptive temperature thresholds** do not adequately reflect the climate variability or dynamic nature of construction operations in our state.

**Recommended Revisions:**

1. **Adopt a performance-based standard** that allows employers to evaluate and mitigate risks through OSHA's hierarchy of controls (engineering, administrative, and PPE solutions).
2. **Adjust the temperature threshold** to 90°F, with enhanced protective procedures initiated at 95°F.
3. **Determine compliance based on full-shift average temperatures** rather than isolated hourly peaks.
4. **Mandate annual training** focused on heat illness awareness, prevention strategies, and first aid response.
5. **Permit flexible rest breaks** based on worker input and actual site conditions.
6. **Avoid rigid acclimatization protocols**; instead, encourage buddy systems and active supervision for new or returning employees.

We believe these recommendations offer a more practical and effective framework—one that enhances worker safety while respecting the operational realities of diverse work environments across New Mexico.

Bradbury Stamm Construction remains fully committed to protecting our workforce and is eager to collaborate on developing a standard that safeguards workers without unintended consequences.

Sincerely,

Dennis H. Towne, President  
Bradbury Stamm Construction, Inc.

