

Eric Palla

May 29, 2025

New Mexico (NM) Environmental Improvement Board  
c/o NM Environment Department  
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 Prevention

Dear Environmental Improvement Board:

Thank you for the opportunity to comment on this proposed regulation. As a dairy producer in New Mexico, I am committed to protecting my family members and employees from occupational heat illness and injury; however, I oppose this proposed rule because it fails to recognize existing federal and additional safeguards that the dairy industry has developed and implemented to protect the wellbeing of our workforce.

I am a second-generation dairy farmer, along with my wife, Megan, and in partnership with my parents. We farm and milk cows on three facilities in Clovis, N.M. I have been in the dairy business for more than 25 years and am a farmer-owner of Dairy Farmers of America (DFA), a leading global dairy cooperative, owned by 9,500 farmer-owners on 5,000 farms across the United States. In New Mexico, DFA is owned by 53 families, producing over 428 million gallons of milk a year. Those family farmers are invested in 80 processing facilities that produce a wide range of dairy products including fluid milk, cheese, butter, ice cream, dairy ingredients and more. I serve on DFA's Southwest Area Council and as a member of the DFA Board of Directors.

The federal Occupational Safety and Health Administration (OSHA) ensures safe and healthy working conditions for all workers by setting and enforcing standards and providing training. All dairy operations are required to comply with these regulations and provide a safe working environment. OSHA, in partnership with other federal agencies, has issued guidance on the prevention of heat related illness and injury: U.S. Department of Health and Human Services (DHHS), National Institute for Occupational Safety and Health (NIOSH) Publication No. 2016-106.

Going beyond what is required through OSHA standards, the U.S. dairy industry developed and implemented the Farmers Assuring Responsible Management (FARM) Program. FARM is a mandatory industry program which demonstrates U.S. dairy farmers' commitment to producing high quality, safe milk with integrity. Launched in 2009, FARM was created by the dairy industry's National Milk Producers Federation in partnership with Dairy Management, Inc. and focuses on five program areas – Animal Care, Antibiotic Stewardship, Biosecurity, Environmental Stewardship and Workforce Development. Resources such as science-based standards, verifications, metrics and other tools are provided for farms to improve best management practices in each respective pillar, further demonstrating the dairy industry's commitment to continuous improvement.



Resources provided under the Workforce Development pillar include key tools to enhance a safe and thriving work environment on the dairy, with a focus on human resources and safety management practices. Across the United States, dairy farm employees work in a wide variety of climactic conditions. Related to the New Mexico Environment Department's Proposed Heat Illness and Injury Prevention Rule, certain components are addressed in the FARM Program that demonstrate how dairy farms can promote a safe and healthy work environment for their employees, such as:

- Procedures with timekeeping and break relief schedules
- Clean drinking water supply and suitable break or rest areas
- First aid kits
- Safety plans covering a variety of topics, which include extreme temperatures
- Employee process of reporting safety concerns and training on safety topics

Considering the existing federal OSHA standards and guidance, and with the additional specific guidelines for dairy operations via the FARM program, I find New Mexico's proposed regulations redundant and unattainable as it is not industry specific and adds a heavy, new administrative burden to employers with recordkeeping requirements. These proposed regulations will do nothing more to ensure worker safety beyond the safe working conditions and heat stress training resources that are already provided to dairy workers.

Dairy farmers raise their cows and families on the same land. They share responsibilities and the same working conditions as their hired workforce. I encourage the New Mexico Environmental Improvement Board to reconsider this proposal and align your efforts with current federal and industry specific standards and guidance already established today.

Sincerely,

Eric Palla  
New Mexico dairy farmer

