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There is no need for this proposed regulation and it could be very damaging to the ability of our businesses to perform work or provide services. It certainly would drive up the costs of the work.

Businesses in NM understand the risks inherent in working outdoors. There are many incentives to work smartly and safely. Most businesses want to provide safe work practices for their employees. When they don't, they face substantial legal liability.

Since OSHA is currently revising its rules on heat stress, NM should wait for the outcome of this federal process before considering its own regulations. Employers rely on industry "heat stress" standards developed by trade associations and others. In particular, the National Institute for Occupational Safety and Health (NIOSH) has published heat stress guidelines for the workplace. Industry guidelines are based on this work.

Based on industry best practices, state-specific NM regulations are counterproductive and unnecessary. A better approach is to work with NM trade groups and employers to ensure good heat stress practices are followed.

If NM insists on issuing its own regulation, it should first consider existing work practices in our state. Small companies with 10 employees or fewer should be exempt from this regulation. Construction or energy businesses typically have many subcontractors at a work site. Subcontractors should be covered by the General Contractor's administrative system. This draft regulation has unreasonable "rest periods" related to heat stress. Experienced workers and supervisors instinctively know that regular "rest breaks" in shady areas are necessary when working on a hot day. The values in Table 3 of the proposed regulation are not reasonable for many outdoor activities. Government inspectors could use this table to delay projects.

This regulation is counter-productive, unreasonable, and not needed. It should not be adopted.