

Bo Bergstrom

Hello. Thanks for taking my comment.

The New Mexico Environment Department (NMED) has published a strong draft heat protection rule that we strongly support. It incorporates best practices and science-based solutions to keep workers safe from exposure to heat at the workplace, including: coverage of both indoor and outdoor workers; calling for written Heat Injury and Illness Prevention Plans (HIIPPs); providing for comprehensive worker training; implementing common sense preventive strategies including water, shade/cooling rooms, paid rest breaks, and acclimatization; and using trigger temperatures that are based on physiological science and years of experience from other states with heat standards. This standard will save lives.

We believe there are five key ways that the standard could be improved even more.

- The standard should require employers to include references to existing New Mexico non-retaliation laws as part of employer HIIPP plans and worker training. Because the Occupational Health & Safety Administration (OSHA) system depends on workers coming forward when they perceive violations, this communication from their employers is critically important for good enforcement of the standard.
- The standard needs more clarity on emergency procedures. In cases of heat stroke and other severe heat-related illnesses every second counts and so employers and workers alike must be well versed on what actions to take as they wait for emergency medical staff to arrive.
- The standard has only a few reasonable exemptions for specific workplaces, but it needs to clarify that buildings and vehicles with mechanical cooling controls are exempt only when those systems are functioning. Many of the complaints the NMED investigated between 2022-2025 found broken air conditioning for weeks, months, and in one case a year. Further, delivery workers should not be exempted if the cabs of their trucks have air conditioning, but they spend more than 15 minutes out of an hour either in the back of the truck or in the act of delivering packages to doorsteps.
- The NMED should strengthen the HIIPP provisions by urging employers to seek input and involvement of non-managerial staff in drafting the plans. Frontline workers who perform work tasks daily are best placed to understand the specific dangers of the workplace, adding crucial knowledge to the HIIPP.
- The standard should specify that training must be given in person with the opportunity to ask questions and employers should be required to re-deliver the training in the case of a serious heat-related illness or injury onsite, an OSHA citation, a fatality, or work processes changing significantly.

Sincerely, Bo Bergstrom.