

Charles Goodmacher

As a father of two New Mexico born children, I submit this personal comment so they can have a brighter future.

The need to protect employees from more frequent and more intense excess heat illnesses and injuries grows with our changing weather. In addition, the proposed rule can benefit employers by mitigating the productivity losses seen when workers are exposed to occupational heat stress. As such, I support this proposed rule.

The NMED for incorporating elements with a proven record of success in multiple states at preventing worker heat-related illnesses and injury, including:

- Application to both outdoor and indoor worksites (11.5.7.2). As the complaints to the NMED reveal, workers across all industries are suffering from workplace exposure to heat. It is important that this standard protects as many workers as possible.
- Establishing an initial heat trigger of a heat index of 80 degrees Fahrenheit (11.5.7.10) and a high heat trigger of a heat index of 95 degrees Fahrenheit (11.5.7.7(d)). These temperature triggers are in line with those of California, Washington, Oregon, Colorado, Maryland and the proposed federal standard, and contrary to what some folks are saying, the business community has been able to adapt by adopting to the Rule without the great harms some are claiming will result if the Rule passes.
- Calling for a written Heat Illness and Injury Prevention Plan (11.5.7.8). A written plan is a key part of building a workplace culture of injury and illness prevention allowing employers to identify workplace risks and for workers and managers to study and understand the strategy for mitigating and eliminating those hazards as well as their expected role in keeping the workplace safe.
- Provisions that protections like water, training, and rest breaks should come at no cost to the worker, either in monetary charges or lost wages. (11.5.7.10) It is a fundamental tenant of OSHA law that employers are responsible for providing a workplace free of hazards, and therefore mandatory measures to ensure worker safety must be paid for by employers as part of meeting that duty of care.

Evidence shows OSHA and voluntary employer action is not sufficiently protective, and the situation is rapidly deteriorating as Emergency Department visits due to heat stress in New Mexico doubled between early 2010s and 2023. Deaths due to heat stress more than tripled between early 2010s and 2023. The southeast and southwest regions experience the highest rate of heat stress ED visits and deaths. Heat waves are becoming more frequent, last longer and are more intense than in the past.

* The federal requirements are insufficient to address heat-related illnesses and safety –and so too is a reliance solely on the good will of employers who are in business to maximize their profits.

I thank the NMED for its diligent process in drafting this important worker protection standard. I am hoping the EIB will adopt it, and incorporate many of the suggestions to ensure successful protection of New Mexico workers.